

*CONSIDERATIONS ON THE  
GOVERNMENT OF POLAND  
AND ON ITS PLANNED  
REFORMATION*



## *Considerations on the Government of Poland and on Its Planned Reformation*



### [I] State of the Question.

The picture of the government of Poland made by Count Wielhorski, and the reflections he has joined to it, are instructive pieces for anyone who wants to form an orderly plan for the recasting of this government. I do not know anyone in a better position to lay out this plan than himself, who joins to the general knowledge that this labor demands all the knowledge of the locality and particular circumstances, impossible to give in writing, and nevertheless necessary to know to fit an institution to the people for whom one destines it. Unless one has a thorough knowledge of the Nation for which one is laboring, the work one does for it, however excellent it might be in itself, will always err in application, and even more so when it is a question of a nation already completely instituted, whose tastes, morals, prejudices and vices<sup>1</sup> have taken root too much to be easily stifled by new seeds. A good institution for Poland can only be the work of the Poles or of someone who has studied well the Polish nation and those<sup>2</sup> that border it on the spot. A foreigner can hardly give anything but general views, can enlighten the institutor, not guide him. Even when my head was in all its vigor, I would not have been able to grasp the ensemble of these great relationships. Today, now that I barely still have the faculty of linking ideas, in order to obey Count Wielhorski and show my zeal for his fatherland, I must limit myself to giving him an account of the impressions made on me by the reading of his work and the<sup>3</sup> reflections it suggested to me.

While reading the history of the government of Poland, one has difficulty understanding how a State so bizarrely constituted could have continued to exist for such a long time. A large body formed of a large number of dead limbs, and of a small number of disunited limbs, with all of its movements almost independent of each other, far from having a common end, mutually<sup>4</sup> destroy each other, which tosses and turns a great deal in order to do nothing, which can make no resistance to anyone who wishes to encroach on it, which falls into dissolution five or six times each century, which falls into paralysis with every effort it wants to make, with every need it wants to provide for, and which in spite of

all this lives and preserves itself in vigor; there, it seems to me, is one of the most singular spectacles that can strike a thinking being.<sup>5</sup> I see all the States of Europe rushing to their ruin. Monarchies, Republics, all these nations so magnificently instituted, all these fine governments so wisely balanced, fallen into decrepitude, menaced by an impending death; and Poland, that region depopulated, devastated, oppressed, open to its aggressors, at the height of its misfortunes and its anarchy, still shows all the fire of youth; and it dares to ask for a government and laws, as if it had just been born. It is in irons, and discusses the means to preserve itself in freedom! It feels in itself that force which that of tyranny cannot subjugate. I believe I am looking at besieged Rome tranquilly ruling the lands on which its enemy has just pitched its camp. Brave Poles, beware; beware that for wanting to be too well, you might make your situation worse. In considering what you want to acquire, do not forget what you can lose. Correct, if possible, the abuses of your constitution; but do not despise the one that has made you what you are.

You love freedom, you are worthy of it; you have defended<sup>6</sup> it against a powerful and cunning aggressor who, pretending to present you with the bonds of friendship, burdened you with the irons of servitude. Now, weary of the disturbances of your fatherland, you sigh after tranquillity. I believe it is extremely easy to obtain it; but to preserve it along with freedom, that is what appears difficult to me. It is in the bosom of that anarchy that is odious to you that those patriotic souls that have protected you from the yoke were formed. They were sleeping in a lethargic repose; the storm awoke them. After having broken the chains that were intended for them, they are feeling the weight of fatigue. They would like to combine the peace of despotism with the sweetness of freedom. I am afraid that they might want contradictory things. Repose and freedom appear incompatible to me; it is necessary to choose.

I do not say that things must be left in the state they are in; but I do say that they must be touched only with extreme circumspection. At this moment one is more struck by the abuses than by the advantages. The time will come, I fear, when these advantages will be better felt, and unfortunately this will be when they have been lost.

It may be easy, if you wish, to make better laws. It is impossible to make any that men's passions do not abuse, as they have abused the first ones. To foresee and to weigh all these abuses to come is perhaps an impossible thing for the most consummate Statesman. To put law over man is a problem in politics which I compare to that of squaring the circle in geometry. Solve this problem well, and the government based on this solution will be good and without abuses. But until then, be sure that

where you believe you are making the laws rule, it will be the men who are ruling.

There will never be any good and solid constitution except the one in which the law rules over the hearts of the citizens. As long as the legislative force does not reach that point, the laws will always be evaded. But how to reach hearts? That is what our institutors, who never see anything but force and punishments, hardly think about, and that is what material recompenses would perhaps not lead to any better; justice, even of the greatest integrity, does not lead to it, because like health justice is a good which one enjoys without feeling it, which inspires no enthusiasm at all, and whose worth one feels only after one has lost it.

How then to move hearts, and make the fatherland and laws loved? Shall I dare to say? With children's games; with institutions that are idle<sup>7</sup> in the eyes of superficial men, but which form cherished habits and invincible attachments. If I am spouting nonsense here, at least I am doing so very completely, for I admit that I see my folly under the features of reason.

## [II] Spirit of Ancient Institutions.

When one reads ancient history, one believes one has been transported into another universe and among other beings. What do the French, the English, the Russians have in common with the Romans and the Greeks? Almost nothing but the shape. The strong souls of the latter appear to the others as exaggerations of history. How could those who feel themselves to be so small think that there could have been such great men? Nevertheless, they did exist, and they were humans as we are: what prevents us from being men like them? Our prejudices, our base philosophy, the passions of petty self-interest, concentrated along with egoism in all hearts by the inept institutions that genius never laid down.

I take a look at modern nations: I see there many makers of laws and not one legislator. Among the ancients I see three principal ones who deserve particular attention: Moses, Lycurgus, and Numa. All three put their principal efforts into objects that would appear worthy of derision to our learned people. All three had successes that would be judged impossible if they were less well attested.

The first formed and executed the astonishing enterprise of founding into the body of a nation a swarm of unfortunate fugitives without arts, without arms, without talents, without virtues, without courage, and who—not having a single inch of ground of their own—made up an alien band upon the face of the earth. Moses dared to make out of

this wandering and servile troop a body politic, a free people, and while it wandered in the desert without having a stone upon which to lay its head, he gave it that durable institution, proof against times, fortune, and conquerors, which five thousand years have not been able to destroy nor even to impair, and which still continues to exist today in all its force, even though the body of the nation no longer exists.<sup>8</sup>

In order to keep his people from dissolving among foreign peoples, he gave it morals and practices incompatible with those of other nations; he overburdened it with distinctive rites, ceremonies; he constrained it in a thousand ways in order to keep it ceaselessly in suspense and to make it always a stranger among other men, and all the bonds of fraternity that he placed among the members of his republic were so many barriers which kept it separate from its neighbors and prevented it from blending with them. That is how this singular nation, so often subjugated, so often dispersed, and apparently destroyed, but always idolatrous of its rule, has nevertheless preserved itself up to our times scattered among the others without merging with them, and how its morals, its laws, its rites, continue to exist and will endure as long as the world does, in spite of the hatred and persecution of the rest of the human race.

Lycurgus undertook to institute a people already degraded by servitude and by the vices that are its effect. He imposed on it a yoke of iron, the like of which no other people has ever borne; but he attached it to the yoke, identified it with it so to speak, by always keeping it occupied with it. He ceaselessly showed it the fatherland in its laws, in its games, in its home, in its loves, in its festivities. He did not leave it a moment of relaxation to be by itself, and from that continuous constraint, ennobled by its object, was born in it that ardent love of the fatherland that was always the strongest or rather the only passion of the Spartans, and which made of them beings above humanity. Sparta was only a city, it is true; but by the sheer force of its institution this city gave laws to all of Greece, became its capital, and made the Persian Empire tremble. Sparta was the focal point from where its legislation extended its effects all around it.

Those who have seen Numa as nothing but a founder of religious rites and ceremonies have judged this great man very badly. Numa was the true founder of Rome. If Romulus had done nothing but assemble some brigands whom one setback could have dispersed, his imperfect work could not have withstood the test of time. It was Numa who made it solid and durable by uniting these brigands into an indissoluble body, by transforming them into Citizens, less by means of laws, of which their rustic poverty had hardly any need yet, than by means of mild institutions that attached them to each other and all to their land by finally making

their city sacred by means of apparently frivolous and superstitious rites, the force and the effect of which are felt by so few people, and yet the first foundations of which were laid by Romulus, the fierce Romulus himself.<sup>9</sup>

The same spirit guided all the ancient Legislators in their institutions. All looked for bonds which attached the Citizens to the fatherland and each to each other, and they found them in distinctive practices, in religious ceremonies which were always exclusive and national by their nature (see the end<sup>10</sup> of the *Social Contract*), in games which kept the citizens assembled very much, in exercises which increased their pride and self-esteem along with their vigor and strength, in spectacles which, recalling to them the history of their ancestors, their misfortunes, their virtues, their victories, gained the interest of their hearts, inflamed them with a lively emulation, and strongly attached them to that fatherland with which they were kept ceaselessly occupied. It is the poems of Homer recited to the Greeks solemnly assembled, not in boxes, on stages and cash in hand, but in the open air and as a body of the nation; it is the tragedies of Aeschylus, of Sophocles, and of Euripides, often represented before them, it is the prizes with which, to the acclamations of all of Greece,<sup>11</sup> the victors in their games were crowned which continuously set them aflame with emulation and glory, brought their courage and their virtues to that degree of energy of which nothing today gives us any idea, and which the moderns cannot even believe. If they have laws, it is solely to teach them to obey their masters well, not to pick pockets, and to give a lot of money to public scoundrels. If they have customs, it is in order to be able to amuse the idleness of obliging ladies, and gracefully walk their own about. If they assemble it is in Temples for a worship which has nothing national, which in no way recalls the fatherland, and which is turned almost to derision; it is in completely closed-up rooms and at the price of money, in order to see in effeminate, dissolute theaters where they don't know how to talk about anything but love, histrions declaim, prostitutes simper, and to take lessons of corruption there, the only ones out of all the ones they claim to be given there that are taken advantage of; it is in festivals where the people, always despised, is always without influence, where public blame and approbation produce nothing; it is in licentious throngs, in order to make secret liaisons there, in order to look there for pleasures that separate, isolate men the most, and which weaken hearts the most. Are these stimulants for patriotism? Must one be surprised that such dissimilar manners of living produce such different effects, and that the moderns no longer find in themselves any of that vigor of soul that everything inspired in the ancients? Excuse these

digressions to a remnant of warmth that you have brought back to life. I return with pleasure to the one of all the peoples of today which distances me the least from those about whom I have just been speaking.

### [III] Application.

Poland is a large State surrounded by even more substantial States, which have a great offensive force because of despotism and their military discipline. On the contrary, because of its anarchy, it is weak, exposed to all their affronts in spite of Polish valor. It has no fortified places at all to stop their incursions. Its depopulation puts it almost absolutely in no position to defend itself. No economic order, few or no troops, no military discipline, no order, no subordination; always divided inside, always menaced from outside, it has no stability of its own, and depends on its neighbors' caprice. In the present state of things I see only a single means of giving it that stability it lacks: that is to infuse, so to speak, the soul of the confederates into the whole nation; that is to establish the Republic so much in the hearts of the Poles that it continues to exist there in spite of all its oppressors' efforts. That, it seems to me, is the only refuge where force can neither reach nor destroy it. A forever memorable proof of this has just been seen. Poland was in Russia's bonds, but the Poles remained free. A great example which shows you how you can defy the power and the ambition of your neighbors. You might not be able to keep them from swallowing you; at least make it so they cannot digest you. However one undertakes to do it, before one has given Poland all it lacks for being in a condition to resist its enemies, it will be overpowered by them a hundred times. Its Citizens' virtue, their patriotic zeal, the distinctive form which national institutions can give their souls, that is the only rampart always ready to defend it, and which no army could force. If you make it so that a Pole can never become a Russian, I answer to you for it that Russia will never subjugate Poland.

National institutions are what form the genius, character, tastes, and morals of a people, what make it itself and not another, what inspire in it that ardent love of the fatherland founded on habits impossible to uproot, what make it die of boredom among other peoples in the bosom of delights of which it is deprived in its own. Remember that Spartan glutted with voluptuous pleasures at the Court of the great King, who was reproached for missing his black broth. "Ah!" he said to the satrap while sighing; "I know your pleasures, but you do not know ours."<sup>12</sup>

Today there are no longer any French, Germans,<sup>13</sup> Spanish, even English, whatever might be said about it; there are only Europeans. All

have the same tastes, the same passions, the same morals, because none of them has received any national form by means of a distinctive foundation. In the same circumstances all of them will do the same things; all will say they are disinterested and be scoundrels; all will speak about the public good and think only about themselves; all will praise mediocrity and want to be Croesus; they are ambitious only for luxury, they have no passion except the one for gold. Sure of having, along with it, everything that tempts them, all will sell themselves to the first who is willing to pay them. What does it matter to them which master they obey, the law of which State they follow? As long as they find money to steal and women to corrupt they are in their own country everywhere.

Give another inclination to the Poles' passions, you will give their souls a national physiognomy which will distinguish them from other peoples, which will keep them from dissolving, taking pleasure, uniting with them, a vigor which will replace the abusive operation of vain precepts, which will make them do out of taste and passion what is never done well enough when it is done only out of duty or interest. It is upon such souls that an appropriate legislation will take hold. They will obey the laws and will not evade them, because the laws will suit them, and they will have the internal assent of their will. Loving the fatherland, they will serve it out of zeal and with all their heart. With this feeling alone, legislation, even if it were bad, would make good Citizens; and it is never anything but good Citizens who make up the force and the prosperity of the State.

I will explain below the regime of administration which, almost without touching your laws at bottom, appears to me suited to bring patriotism and the virtues that are inseparable from it to the highest degree of intensity they can have.<sup>14</sup> But whether or not you adopt this regime, always begin by giving the Poles a great opinion of themselves and of their fatherland: after the manner they have just shown themselves, that opinion will not be false. It is necessary to seize the occasion of the present event to raise souls to the pitch of ancient souls. It is certain that the Confederation of Bar<sup>15</sup> saved the dying fatherland. This great period must be engraved in sacred characters in all Polish hearts. I would like a monument to be erected in its memory, the names of all the Confederates to be put on it, even those who subsequently might have betrayed the common cause, such a great action ought to erase the faults of a whole life; a periodic solemnity to be founded in order to celebrate it every ten years with a pomp, not brilliant and frivolous but simple, proud, and republican; the eulogy of those virtuous citizens who had the honor of suffering for the fatherland in the enemy's chains to be made worthily but



without emphasis, some honorific privilege to be granted even to their families which would always recall this fine memory to the eyes of the public. Nevertheless, I would not want any invective against the Russians to be permitted in these solemnities, nor that they even be spoken about. That would be honoring them too much. This silence, the memory of their barbarity, and the eulogy of those who resisted them, will say everything that needs to be said about them: you ought to despise them too much to hate them.

I should like all the patriotic virtues to be given luster by means of honors, the Citizens to be kept ceaselessly occupied with the fatherland, it to be made their most important business, it to be kept incessantly before their eyes. In this way they would have less, I admit it, opportunity and time for getting rich, but they would also have less desire and need to do so: their hearts would learn to know a different happiness than that of fortune, and that is the art of ennobling souls and of making them into an instrument more powerful than gold.

The succinct exposition of the morals of the Poles that M. de Wielhorski kindly passed on to me is not sufficient to make me well acquainted with their civil and domestic practices. But a large nation which has never mingled very much with its neighbors must have a lot of practices suited to itself, and which perhaps are being bastardized day by day by the general inclination in Europe to take on the tastes and morals of the French. It is necessary to maintain, or reestablish these old practices, and to introduce suitable ones, which are specific to the Poles. These practices, even if they are indifferent, even if they are bad in certain respects, as long as they are not essentially so, will always have the advantage of winning the affection of the Poles for their country and of giving them a natural repugnance for mingling with foreigners. I regard it as a piece of good fortune that they have a distinctive form of dress. Preserve this advantage carefully; do exactly the opposite of what that so vaunted Czar did.<sup>16</sup> May neither the King, nor the Senators, nor any public man ever wear any other clothes than those of the nation, and let no Pole dare to appear at Court dressed in the French manner.

Many public games in which the good mother homeland<sup>17</sup> is pleased to see her children play. Let her look after them often so that they will always look after her. It is necessary to abolish, even at Court, because of the example, the ordinary amusements of courts, gambling, theaters, comedies, opera; everything that effeminates men, everything that distracts them, isolates them, makes them forget their fatherland and their duty; everything that makes them feel well everywhere as long as they are amusing themselves; it is necessary to invent games, festivals, solemnities

that are so specific to that Court that they are not to be found in any other one. One must be amused more in Poland than in other countries, but not in the same way. In a word, an execrable proverb must be reversed and every Pole must be made to say at the bottom of his heart: *Ubi patria, ibe bene*.<sup>18</sup>

Nothing exclusive, if possible, for the Great and the rich. Many spectacles in the open air, where the ranks might be carefully distinguished, but where the people take part equally as among the ancients, and where, on certain occasions, the young nobility proves itself in force and skill. Bullfights have contributed no small amount to maintaining a certain vigor among the Spanish nation. Those amphitheaters in which the young people of Poland used formerly to exercise ought to be carefully reestablished; they ought to be made into theaters of honor and emulation for them. Nothing would be easier than to substitute for the former fights less cruel exercises in which, nevertheless, strength and skill would have a share, and in which the victorious would have honors and rewards in the same way. For example, horsemanship is a very suitable exercise for Poles and very susceptible to the brilliance of spectacle.

Homer's Heroes were all distinguished by their force and skill, and by that means would show to the eyes of the people that they were made to command them. The Knights' tournaments formed, not only strong and courageous men, but men avid for honor and glory, and fit for all the virtues. Since the use of firearms has rendered these faculties of the body less useful for war, it has made them fall into discredit. Hence it happens that, aside from qualities of mind which are often equivocal, out of place, about which there are a thousand ways of being deceived, and about which the people is a bad judge, a man, with the advantage of birth, has nothing in him that distinguishes him from any other, which justifies his fortune, which shows in his person a natural right to superiority, and the more one neglects these external signs, the more those who govern us are effeminate and corrupted with impunity. Nevertheless, it matters, and more than one thinks, that those who must one day command others show themselves from youth to be superior to them at every point, or at least that they try to do so. Furthermore, it is good that the people often find themselves with their leaders on pleasant occasions, that it become acquainted with them, that it become accustomed to seeing them, that it share its pleasures with them. As long as subordination is always maintained and they do not become confused with it at all, this is the way for it to gain affection for them and to join attachment for them to respect. Finally, the taste for bodily exercises turns one away from a dangerous idleness, effeminate pleasures and luxury of mind. It is above all because

of the soul that the body must be exercised, and that is what our petty wise men are far from seeing.

Do not neglect a certain public ornamentation at all; let it be noble, imposing, and let the magnificence be in men more than in things. One could not believe to what point the people's heart follows its eyes and how impressed it is by the majesty of ceremony. Majesty gives authority an air of order and rule that inspires confidence and removes the ideas of capriciousness and whim attached to the idea of arbitrary power. In the pomp of solemnities one must only avoid the flashy, the tinselly, and the luxurious decorations that are in use at courts. The festivals of a free people ought always to breathe decency and gravity, and one ought not to present to its admiration anything but objects worthy of its esteem. The Romans lavished an enormous luxury in their triumphs; but it was the luxury of the conquered, the more brilliant it was, the less it seduced. Its very brilliance was a great lesson for the Romans. The captive Kings were chained with chains of gold and of precious stones.<sup>19</sup> That is luxury well understood. One often arrives at the same goal from two opposed routes. To my eyes the two wool sacks, put in the House of Lords of England in front of the Chancellor's place, form a touching and sublime decoration. To my taste, two sheaves of wheat placed in the same way in the Senate of Poland would make no less fine an effect.

The immense distance between the fortunes that separate the Lords from the petty nobility is a great obstacle to the reforms needed for making the love of the fatherland the dominant passion. While luxury reigns among the Great, cupidity will reign in all hearts. The object of public admiration will always be that of the wishes of private individuals, and if it is necessary to be rich to shine, the dominant passion will always be to be rich. This is a great means of corruption which must be weakened as much as possible. If other attractive objects, if marks of rank distinguished men in office, those who were only rich would be deprived of them, secret wishes would naturally take the route to these honorable distinctions, that is to say those of merit and virtue, if one succeeded only by that route. Often the Consuls of Rome were very poor, but they had lictors, the array of the lictors was coveted by the people, and the plebeians attained the Consulate.

To remove completely the luxury in which inequality reigns appears to me, I admit it, a very difficult undertaking. But might there not be a way to change the objects of this luxury and to make its example less pernicious? For example, formerly the poor nobility in Poland attached themselves to *Grandeess* who gave an education and subsistence to their retinue. That is a truly great and noble luxury, the inconvenience of which

I feel perfectly, but which at least, far from debasing souls, raises them up, gives them feelings, resilience, and was not abused among the Romans as long as the Republic lasted. I have read that the Duc d'Epéron, encountering the Duc de Sulli one day, wanted to pick a fight with him, but that, having only six hundred gentlemen in his retinue, he did not dare to attack Sulli, who had eight hundred of them. I doubt that a luxury of that sort leaves a lot of room for the luxury of trinkets; and at least its example will not seduce the poor. May the Great in Poland return to having only this sort, perhaps divisions, parties, quarrels will result from it, but it will not corrupt the nation. After that let us tolerate military luxury, that of weapons, of horses, but let all effeminate adornment be held in contempt, and if one cannot make the women renounce it, at least teach them to disapprove of it and disdain it in men.

Besides, one does not succeed in the goal of extirpating luxury by means of sumptuary laws. It must be uprooted from the depths of hearts, by impressing healthier and more noble tastes there. To forbid things that one ought not to do is an inept and vain expedient unless one begins by making them hated and held in contempt, and the disapproval of the law is efficacious only when it comes to the support of that of judgment. Whoever gets involved in founding a people ought to know how to dominate opinions and to govern men's passions by them. This is true above all in the object about which I am speaking. Sumptuary laws irritate desire by means of constraint rather than extinguishing it by means of punishment. Simplicity in morals and in adornment is less the fruit of the law than of education.

#### [IV] Education.

This is the important item. It is education that must give the national form<sup>20</sup> to souls, and direct their opinions and their tastes so that they will be patriots by inclination, by passion, by necessity. Upon opening its eyes a child ought to see the fatherland and until death ought to see nothing but it. Every true republican imbibes the love of the fatherland, that is to say, of the laws and of freedom along with his mother's milk. This love makes up his whole existence; he sees only the fatherland, he lives only for it; as soon as he is alone, he is nothing: as soon as he has no more fatherland, he no longer is, and if he is not dead, he is worse than dead.

National education belongs only to free men; they are the only ones who have a common existence and are truly tied together by Law. A Frenchman, an Englishman, a Spaniard, an Italian, a Russian are all just

about the same man: he leaves school already completely formed for license,<sup>21</sup> that is to say for servitude. At twenty years of age a Pole ought not to be a different sort of man; he ought to be a Pole. I wish that in learning to read, he might read things about his country, at ten years of age he might be acquainted with all its products, at twelve all the provinces, all the roads, all the cities, at fifteen he might know all of its history, at sixteen all the laws, that there not be in all of Poland a fine action or an illustrious man about which his memory and heart are not full, and about which he cannot give an account at a moment's notice. One can judge from this that I would not like children to follow the usual studies directed by foreigners and priests.<sup>22</sup> The law ought to regulate the material, the order and the form of their studies. They ought not to have any but Poles as instructors, all married if possible, all distinguished by their morals, by their probity, by their good sense, by their enlightenment, and all destined for employments, not more important nor more honorable, for that is not possible, but less difficult and more brilliant, when at the end of a certain number of years they have fulfilled that one well. Above all beware of making the station of pedagogue into a profession. Every public man in Poland ought not to have any permanent station other than that of Citizen. All the posts he fills and above all the ones that are important, like this one, ought to be considered only as testing places and steps for rising higher after having deserved to do so. I exhort the Poles to pay attention to this maxim upon which I shall often insist: I believe it to be the key to a great spring in the State. Below it will be seen how one can, in my opinion, make it practicable without exception.

I do not at all like those distinctions between schools and academies that make it so that the rich nobility and the poor nobility are brought up differently and separately. Since, by the constitution of the state, all are equal, they ought to be brought up together and in the same manner, and if one cannot establish a completely free public education, at least one must set a price for it that the poor are able to pay. Could one not establish in each school a certain number of purely free places, that is to say at the State's expense, and which are called scholarships in France? These places, given to children of poor gentlemen who have deserved well from the fatherland, not as a charity, but as a recompense for the fathers' good services, would become honorable by virtue of that, and could produce a double advantage that is not to be neglected. For this purpose the nomination could not be arbitrary, but would be made by a sort of judgment about which I shall speak below. Those who would fill these places would be called children of the State, and distinguished

by some honorable mark that would give them precedence over other children of their age, even those of the *Grandeeds*.

In all the Schools a gymnasium or place of physical exercises must be established for the children. In my opinion, this very neglected item is the most important part of education, not only for forming robust and healthy temperaments, but even more for the moral object which is either neglected or fulfilled only by means of a heap of pedantic and vain precepts that are so many wasted words. I shall never repeat enough that good education ought to be negative. Prevent the vices from being born, you will have done enough for virtue. The means for this is of the greatest simplicity in good public education. It is always to keep the children on alert, not by means of boring studies of which they understand nothing and for which they acquire a hatred by the sole fact that they are forced to stay put; but by means of exercises that please them by satisfying their body's need to act while it is growing, and the pleasure of which for them will not be limited to that.

They ought not to be allowed to play separately at their whim at all, but all together and in public, in such a manner that there is always a common goal to which all aspire and which excites competition and emulation. Parents who prefer domestic education, and have their children brought up under their own eyes, ought nevertheless to send them to these exercises. Their instruction can be domestic and private, but their games ought always to be public and common to all; for here it is not only a question of keeping them occupied, of forming a robust constitution for them, of making them agile and strongly built; but to accustom them early to regulation, to equality, to fraternity, to competition, to living under the eyes of their fellow citizens and to desiring public approval. For that, the prizes and recompenses of the victors must not be distributed arbitrarily by the masters of the exercises nor by the heads of the schools, but by acclamation and by the judgment of the spectators; and one can count on these judgments always being just, especially if one is careful to make the games attractive to the public by ordering them with a little pomp and so that they become a spectacle. Then it is to be presumed that all decent people and all good patriots will make it a duty and a pleasure for themselves to attend them.

At Berne, there is a very singular exercise for the young Patricians who are leaving school. It is the one they call *the external State*. It is a miniature copy of everything that makes up the government of the Republic: a Senate, the Principal Magistrates, the Officials, the Bailiffs, the Orators, lawsuits, judgments, solemnities. The external State even has a little govern-

ment and some revenues, and this institution, authorized and protected by the sovereign, is the nursery of the Statesmen who one day will direct public affairs in the same employments they first exercised only as a game.

Whatever form one gives public education, the particulars of which I do not enter into here, it is advisable to establish a College of Magistrates of the first rank which has its supreme administration, and which names, revokes, and changes at its will both the Principals and heads of the schools, who themselves will be candidates for the high magistracy as I have said, and the masters of the exercises, whose zeal and vigilance one will also be careful to excite by means of the higher places that will be open or closed based on the manner in which they will have fulfilled those. Since it is upon these establishments that the hope of the Republic, the glory and the fate of the nation, depends, I find them, I admit, to have an importance that I am very surprised that people have not considered giving them anywhere. I am distressed for humanity that so many ideas that appear to me good and useful are always found, although very practicable, so far from everything that is done.

Moreover, here I am not doing anything but giving an indication, but that is enough for those whom I am addressing. These poorly developed ideas show from afar the routes unknown to the moderns by which the ancients led men to that vigor of soul, to that patriotic zeal, to that esteem for truly personal qualities, without regard to what is only foreign to the man, that are without example among us, but which the heavens in all men's hearts are only waiting to put into action by suitable institutions in order to ferment. Direct the practices, the customs, the morals of the Poles in this spirit of education, you will be developing in them that heaven that is not yet made flat by corrupt maxims, by worn-out institutions, by an egotistical philosophy that preaches what is deadly. The nation will date its second birth from the terrible crisis out of which it is coming and, seeing what its still undisciplined members have done, it will expect much and obtain more from a well-pondered establishment; it will cherish, it will respect laws that flatter its noble pride, that render it, that maintain it happy and free; tearing from its bosom the passions that evade them, it will nourish there the ones that make them loved; finally renewing itself, so to speak, by itself, in this new age it will reacquire all the vigor of a nascent nation. But without these precautions expect nothing from your laws. However wise, however farsighted they might be, they will be evaded and vain, and you will have corrected some abuses that wound you, only in order to introduce others that you will not have foreseen. These are the preliminaries that I consider indispensable. Now let us cast our eyes upon the constitution.



[V] Radical Vice.<sup>23</sup>

Let us avoid, if possible, throwing ourselves into chimerical projects from the first steps. What undertaking, Sirs, is occupying you at this moment? That of reforming the Government of Poland, that is to say of giving the constitution of a large kingdom the stability and vigor of that of a small republic. Before working for the execution of this project, one must first see whether it is possible to succeed. Greatness of Nations! Extensiveness of States! first and principal source of the misfortunes of the human race, and above all of the numberless calamities that undermine and destroy publicly ordered peoples. Almost all small States, republics and monarchies alike, prosper by the sole fact that they are small, since all the citizens in them know each other and watch each other, since the leaders can see by themselves the evil that is done, the good they have to do; and since their orders are executed under their eyes. All great peoples crushed by their own mass groan, either in anarchy as you do, or under subordinate oppressors which a necessary gradation forces Kings to give them. God alone can govern the world, and more than human faculties would be needed to govern great nations. It is surprising, it is amazing that the vast extent of Poland has not already a hundred times over brought about the conversion of the government into despotism, debased the souls of the Poles, and corrupted the mass of the nation. It is an example unique in history that after centuries such a State is still only in anarchy. The slowness of this progression is due to advantages inseparable from the inconveniences from which you want to free yourselves. Ah, I cannot say it too many times; think well before touching your laws, and above all the ones that made you what you are. The first reform you need is that of your extent. Your vast provinces will never allow the severe administration of small Republics. Begin by compressing your boundaries if you want to reform your government. Perhaps your neighbors are considering doing this service for you. Doubtless that would be a great evil for the dismembered parts; but this would be a great good for the body of the Nation.

If these retrenchments do not take place, I see only one means that can perhaps take their place and what is fortunate is that this means is already in the spirit of your institution. Let the separation of the two Polands be as marked as that of Lithuania: have three States united into one. I would like, if it were possible, for you to have as many of them as of Palatinates; to form that many particular administrations in each of them. Perfect the form of the Dietines, extend their authority in their



respective Palatinates; but mark out their limits carefully, and act so that nothing can break the bond of common legislation among them and of subordination to the body of the Republic. In a word, apply yourselves to extending and perfecting the system of federative Governments, the only one that unites the advantages of large and small States, and hence the only one that can suit you. If you neglect this advice, I doubt that you can ever make a good work.

### [VI] Question of the Three Orders.<sup>24</sup>

I hardly ever hear anyone speaking about government without finding that they go back to principles that appear to me to be either false or doubtful. The Republic of Poland, it has often been said and repeated, is composed of three orders: the equestrian Order, the Senate, and the King. I would prefer to say that the Polish nation is composed of three orders: the nobles, who are everything, the bourgeois, who are nothing, and the peasants, who are less than nothing. If one counts the Senate as an order in the State, why not also count as such the chamber of Deputies, which is no less distinct, and which does not have any less authority. Even more; this division, in the very sense in which it is given, is evidently incomplete; for it was necessary to add the Ministers, who are neither Kings, nor Senators, nor Deputies, and who, in the greatest independence, are nevertheless depositaries of all the executive power. How will they ever make me understand that the part which exists only from the whole, nevertheless forms in relation to the whole an order independent of it? The Peerage in England, considering that it is hereditary, forms, I admit, an order existing by itself. But in Poland, remove the equestrian order, there is no longer a Senate, because no one can be a Senator unless he is a Polish noble first. In the same way there is no longer a King; because it is the equestrian order that names him, and because the king cannot do anything without it: but remove the Senate and the King, the equestrian order and by it the State and the sovereign remain in their entirety and as soon as the next day, if it wishes, it will have a Senate and a King as it did before.

But for not being an order in the State, it does not follow that the Senate is nothing in it; and if it was not the depositary of the laws as a body, its members, independent of the authority of the body, would nonetheless be the depositary of legislative power, and to keep them from voting on the laws in plenary session of the Diet every time it is an issue of making or revoking laws would be to deprive them of the right they hold from their birth; but then it is no longer as Senators that they vote,

it is simply as Citizens. As soon as the legislative power speaks, all return to equality; any other authority keeps silent before it; its voice is the voice of God on earth. Even the King, who presides at the Diet, does not have at that time, I maintain, the right to vote there unless he is a Polish noble.

Doubtless I will be told here that I am proving too much, and that if the Senators do not have a vote as such in the Diet, they ought not to have it as Citizens either, since the members of the equestrian order do not vote there in person, but only through their representatives, in the number of which the Senators are not. And why would they vote as private individuals in the Diet since no other noble can vote there unless he is a deputy? This objection appears solid to me in the present state of things; but when the planned changes are made, it will not be so any longer; because then the Senators themselves will be perpetual representatives of the nation, but ones who will not be able to act in matters of legislation except with the cooperation of their colleagues.

Let it not be said then that the cooperation of the King, of the Senate, and of the equestrian order is necessary to draft a law. This right belongs solely to the equestrian order, of which the Senators are members as are the deputies, but in which the Senate as a body enters for nothing. Such is or ought to be the law of the State in Poland: but the law of nature, that holy, indefeasible law, that speaks to man's heart and to his reason, does not allow the legislative authority to be restricted this way and does not allow the laws to oblige anyone who has not voted for them personally as the deputies do, or at least through his representatives as the body of the nobility does. This sacred law is not violated with impunity, and the state of weakness to which such a great nation finds itself reduced is the work of that feudal barbarity that causes its most numerous, and often healthiest part to be cut off from the body of the State.

God forbid that I believe I needed to prove here what a little good sense and innermost feeling is sufficient to make everyone feel! And from where does Poland claim to draw the power and the strength it is stifling at pleasure in its bosom? Polish Nobles, be more, be men. Then alone will you be happy and free, but never flatter yourself for being so, as long as you hold your brothers in chains.

I feel the difficulty of the project of freeing your people. What I fear is not only poorly understood interest, the amour-propre and the prejudices of the masters. Once this obstacle has been overcome, I would fear the vices and the cowardice of the serfs. Freedom is a hearty nourishment but requires strong digestion; very healthy stomachs are needed to bear it. I laugh at those debased peoples who, letting themselves be stirred up

by conspirators, dare to speak about freedom without even having any idea of it and, their hearts full of all the vices of slaves, imagine that it is enough to be rebellious in order to be free. Proud and holy freedom! if these poor people could become acquainted with you, if they knew at what price you are acquired and preserved, if they felt how much more austere your laws are than the yoke of tyrants is harsh; their weak souls, slaves of the passions that would have to be stifled, would fear you a hundred times more than servitude; they would flee you with fright as a burden ready to crush them.

To enfranchise the peoples of Poland is a great and fine operation, but bold, perilous, and not to be attempted inconsiderately. Among the precautions to take, there is one indispensable one that requires time. It is, before everything else, to make the serfs one wants to enfranchise worthy of freedom and capable of bearing it. Below I will set out one of the means that can be employed for that. It would be reckless of me to guarantee its success, although I do not doubt it. If there is some better means, take it. But whatever it is, consider that your serfs are men like you, that they have in them the stuff to become everything that you are: first work to bring it into play, and do not enfranchise their bodies until after having enfranchised their souls. Without this preliminary, count on your operation succeeding badly.

### [VII] Means for Maintaining the Constitution.<sup>25</sup>

Poland's legislation was done successively by bits and pieces, like all those of Europe. As abuses were seen, a law was made to remedy it. From that law were born other abuses that had to be corrected again. This manner of operating has no end at all, and leads to the most terrible of all abuses, which is to enervate all the laws by virtue of multiplying them.

In Poland the weakening of the legislation was done in a very peculiar, and perhaps unique manner. That is that it lost its force without having been subjugated by the executive power. At this moment the legislative power still preserves all of its authority; it is inactive, but does not see anything above it. The Diet is as sovereign as it was at the time of its establishment. Nevertheless it has no force; nothing dominates it, but nothing obeys it. This state is remarkable and deserves reflection.

What has preserved the legislative authority up to now? It is the continuous presence of the legislator. It is the frequency of the Diets, it is the frequent renewing of the Deputies, that have maintained the Republic. England, which enjoys the first of these advantages, has lost its freedom because it neglected the other. The same Parliament lasts so long that the

Court, which exhausted itself in buying it every year, finds it to its advantage to buy it for seven, and does not fail to do so. First lesson for you.

A second means by which the legislative power has been preserved in Poland is, first, the division of the executive power, which has kept its depositaries from acting in concert to oppress it, and in the second place the frequent passage of this same executive power into different hands, which has prevented every systematic usurpation. In the course of his reign each King made several steps toward arbitrary power. But the election of his successor forced the latter to move backward rather than pursuing; and at the beginning of each reign all the Kings were constrained by the *pacta conventa* to depart from the same point.<sup>26</sup> So that, in spite of the habitual inclination toward despotism, there was no real progress toward it.

It was the same for the Ministers and high Officials. All, independent of the Senate and of each other, had a limitless authority in their respective departments: but aside from the fact that these positions mutually balanced each other, since they did not perpetuate themselves in the same families they did not bring any absolute force; and all power, even usurped, always returned to its source. It might not have been the same if all the executive power had been either in a single Body like the Senate or in a family by the inheritance of the crown. Sooner or later that family or that body would have oppressed the legislative power, and hence put the Poles under the yoke which all nations bear, and from which they alone are still exempt; for I already do not count Sweden any longer. Second lesson.

This is the advantage; doubtless it is great, but here is the inconvenience which is hardly any less so. Divided among several individuals, the executive power lacks harmony among its parts and causes a continuous tugging incompatible with good order. Each depositary of a part of this power puts itself, by virtue of that part, above the magistrates and the laws in all respects. In truth it acknowledges the authority of the Diet; but since it acknowledges only that, when the Diet is dissolved it no longer acknowledges any at all; it disdains the tribunals and defies their judgments. They are so many petty Despots who, without precisely usurping the sovereign authority, do not fail to oppress the Citizens piecemeal, and to give the fatal and too often followed example of violating the rights and liberties of private citizens without scruple and without fear.

I believe that this is the first and principal cause of the anarchy that reigns in the State. In order to remove that cause, I see only one means. It is not to arm the particular tribunes with the public force against these petty tyrants; for this force, sometimes badly administered and sometimes surmounted by a superior force, could stir up troubles and disorders

capable of proceeding gradually to civil wars; but it is to arm with all the executive force a respectable and permanent body such as the Senate, capable by its stability and by its authority of restraining within their duty the Magnates who are tempted to deviate from it. This means appears effective to me, and would certainly be so; but its danger would be terrible and very difficult to avoid. For as one can see in the *Social Contract*, every body that is a depositary of the executive power tends strongly and continuously to subjugate the legislative power and succeeds in doing so sooner or later.<sup>27</sup>

In order to provide against this inconvenience, some propose to you dividing the Senate into several councils or departments, each presided over by the Minister charged with that department, which Minister along with the members of each Council would change at the end of a fixed term and rotate with those of other departments. This idea might be good; it was the Abbé de Saint-Pierre's, and he developed it well in his *Polysynody*.<sup>28</sup> The executive power divided and transient this way will be more subordinated to the legislative, and the various parts of the administration will be gone into more deeply and better treated separately. Nevertheless, do not count too much on this means: if they are always separate, they will lack coordination, and soon, mutually counteracting each other, they will use up almost all their force against each other, until one among them has taken the ascendancy and dominates all of them: or if they harmonize themselves and cooperate with each other, they will really make up only the same body and will have only the same spirit, as the chambers of a Parliament do; and in any case I hold it to be impossible for independence and equilibrium to be maintained so well among them, so that there will always not result from it a center or home of administration where all the particular forces will always unite to oppress the sovereign. In almost all our republics Councils are distributed this way into departments which were independent of each other in their origin, and which soon ceased to be so.

The invention of this division by chambers or departments is modern. The ancients who knew better than we do how freedom is maintained were not at all acquainted with this expedient. The Senate of Rome governed half the known world, and did not even have the idea of these divisions. Nevertheless, this Senate never succeeded in oppressing the legislative power, although the Senators were for life. But the laws had Censors, the People had Tribunes, and the Senate did not elect the Consuls.

For the administration to be strong, good, and proceed directly toward its goal, all the executive power must be in the same hands: but it is not enough for these hands to change; they must act, if possible,

only under the Legislator's eyes and the Legislator must be the one who guides them. That is the true secret for keeping them from usurping its authority.

As long as the Estates are assembled and the Deputies change frequently, it will be difficult for the Senate or the King to oppress or usurp legislative authority. It is remarkable that up to now the Kings have not attempted to make the Diets more rare, even though they are not forced, as those of England are, to assemble them frequently under pain of lacking money. Either things must have always been in a state of crisis that made the royal authority insufficient to provide for it, or the Kings must have been assured by their intrigues in the Dietines of always having the plurality of Deputies at their disposition, or because of the *liberum veto*,<sup>29</sup> they have always been sure of stopping the deliberations that might displease them and of dissolving the Diets at their will. Once all these motives no longer exist, it must be expected that the King, or the Senate, or both of them together, will make great efforts to free themselves from the Diets and make them as rare as they can. That is above all what must be forestalled and prevented. The means proposed is the only one, it is simple and cannot fail to be effective. It is very singular that, before the *Social Contract* where I give it, no one took it into his head.<sup>30</sup>

One of the greatest inconveniences of large States, the one which more than any other makes freedom hardest to preserve in them, is that the legislative power cannot show itself in them by itself, and can act only by deputation. That has its evil and its good, but the evil outweighs the good. In a body the Legislator is impossible to corrupt, but easy to fool. Its representatives are hard to fool, but easy to corrupt, and it rarely happens that they are not corrupted. You have before your eyes the example of the Parliament of England, and, by the *liberum veto*, that of your own nation. Now one can enlighten someone who is deceived, but how can one hold back the one who is for sale? Without being instructed about Poland's affairs, I would wager everything in the world that there is more enlightenment in the Diet and more virtue in the Dietines.

I see two ways to forestall this terrible evil of corruption, which makes the organ of freedom into the instrument of servitude.

The first is, as I have already said, the frequency of Diets which, by often changing representatives, makes their seduction more costly and more difficult. On this point your constitution is better than that of Great Britain, and once the *liberum veto* has been removed or modified, I do not see any other change to make, other than to add some difficulties to sending the same deputies to two consecutive Diets, and to keep them from being elected a large number of times. I will return to this item below.

The second means is to subject the representatives to following their instructions exactly and to giving a strict account to their constituents of their conduct at the Diet. On this point I can only wonder at the negligence, the carelessness, and I dare to say the stupidity of the English Nation, which, after having armed its deputies with the supreme power, does not add any restraint to them to regulate the use they can make of it for the seven whole years that their commission lasts.

I see that the Poles do not feel the importance of their Dietines enough, neither all that they owe to them, nor all they can obtain from them by extending their authority and giving them a more regular form. As for me, I am convinced that if the Confederations saved the fatherland, it is the Dietines that have preserved it, and it is there that the true Palladium of freedom is.

The Deputies' instructions must be drawn up with great care, with regard to both the items announced in the agenda and the other needs present in the State or in the Province, and this should be done by a commission presided over, if one wants, by the Marshal of the Dietine, but otherwise made up of members chosen by the plurality of votes; and the nobility ought not to break up until these instructions have been read, discussed and consented to in plenary session. In addition to the original of these instructions, given over to the Deputies along with their powers, a duplicate signed by them ought to remain in the records of the Dietine. It is on the basis of these instructions that, upon their return, they ought to give an account of their conduct to the Dietines in a session which must absolutely be reestablished, and it is based on this account that they ought either to be excluded from being deputies again afterward, or declared eligible for a second term if they have followed their instructions to the satisfaction of their constituents. This examination is of the utmost importance. It cannot be given too much attention nor its effect marked down with too much care. With each word that the Deputy says at the Diet, with each step he takes, he must see himself in advance under the eyes of his constituents, and feel the influence that their judgment will have both over his plans for advancement and over the esteem of his compatriots, which is indispensable for their execution: for in the end the Nation sends Deputies to the Diet, not in order to state their private sentiment there, but in order to declare the wills of the Nation. This check is absolutely necessary in order to constrain them within their duty and to forestall all corruption from whatever direction it might come. Whatever might be said about it, I do not see any inconvenience in this constraint, since the chamber of Deputies does not have, or ought not to have, any part in the details of administration, can never have any unforeseen mat-



ter to address: moreover, provided that a deputy does nothing contrary to the express will of his constituents, they will not make it into a crime for him to have stated an opinion as a good Citizen on a matter they had not foreseen, and based on which they had not settled anything. Finally I add that, if there were in fact any inconvenience in holding the Deputies subject to their instructions this way, that still would not be anything to weigh against the immense advantage of having the law never be anything but the real expression of the wills of the nation.

But also, once these precautions have been taken, there ought never to be any conflict of jurisdiction between the Diet and the Dietines, and when a law has been passed in plenary session of the Diet I do not grant the latter even a right of protest. Let them punish their deputies, if necessary let them even have their heads cut off if they have prevaricated: but, let them always obey fully, without exception, without protest, let them bear, as is just, the penalty for their bad choice; aside from making remonstrances as lively as they please at the next Diet if they judge it appropriate.

Since they are frequent, the Diets have less need of being long, and six weeks' duration appears to me very sufficient for the ordinary needs of the State. But it is contradictory for the sovereign authority to give itself shackles, above all when it is immediately in the nation's hands. Let this duration of ordinary Diets continue to be fixed at six weeks, fine; but it will always be up to the assembly to prolong this term by means of an express deliberation when business demands it. For in the end, if the Diet, which by its nature is above the law, says, *I wish to remain*, who is it that will say to it, *I do not wish you to remain*. There is only the sole case of a Diet that wanted to go on for more than two years, that it could not: its powers would end then and those of another Diet would begin with the third year. The Diet, which can do everything, can without contradiction prescribe a longer interval between Diets: but that new law could regard only subsequent Diets, and the one that passes it cannot take advantage of it. The principles from which these rules are deduced are established in the *Social Contract*.<sup>31</sup>

With regard to extraordinary Diets, good order indeed demands that they be rare, and convoked solely for urgent necessities. When the King judges them to be such, he ought, I admit, to be believed: but these necessities might exist and he might not acknowledge them; must the Senate judge about it then? In a free State one ought to foresee everything that can attack freedom. If the Confederations remain, in certain cases they can substitute for extraordinary Diets: but if you abolish the Confederations, there must necessarily be a regulation for these Diets.



To me it appears impossible for the law to be able to fix the length of the extraordinary Diets reasonably, since it depends absolutely on the nature of the business that has them convoked. Ordinarily they require speed; but since that speed is relative to the matters to be treated which are not in the order of ordinary business, one cannot give a ruling about them in advance, and one might find oneself in such a state that it would be important for the Diet to stay assembled until this state changed, or until the term of the ordinary Diets caused the powers of this one to expire.

In order to husband time, so precious in Diets, one should try to remove from these assemblies the vain discussions that serve only to waste time. Doubtless, not only rule and order are necessary there, but also ceremony and majesty. I should even like for particular care to be given to this point and, for example, for one to feel the barbarity and horrible indecency of seeing the display of arms profane the sanctuary of laws. Poles, are you even more warlike than the Romans were? Never in the greatest disturbances of their Republic did the sight of a sword soil the comitia or the Senate. But, while concentrating on important and necessary things, I would also like everything that can be done equally well elsewhere to be avoided. The Rugi, for example, that is to say the examination of the Deputies' legitimacy, is a waste of time in the Diet: not that this examination is not an important thing in itself, but because it can be done as well and better in the very place where they were elected, where they are best known and where all their competitors are. It is in their own Palatinate, it is in the Dietine that appoints them that the validity of their election can be better established and in less time, as is the practice for the commissioners of Radom<sup>32</sup> and the Deputies for the Tribunal. That being done, the Diet ought to admit them without discussion based on the *Laudum* of which they are bearers, and that not only to forestall the obstacles that might delay the election of the Marshal, but above all the intrigues by which the Senate or the King might disturb the elections and argue about the subjects who might be disagreeable to them. What just happened at London is a lesson for the Poles. I know very well that this Wilkes is nothing but a troublemaker; but from the precedent of his rejection the stage is set, and from now on, only subjects who suit the Court will be admitted into the House of Commons.<sup>33</sup>

One must begin by giving more attention to the selection of the members who have a vote in the Dietines. From that one would more easily discern the ones who are eligible to be deputies. The golden book of Venice is a model to follow because of the ease it gives. It would be convenient and very easy to keep in each Grod<sup>34</sup> an exact register of all

the nobles who have met the required conditions to enter and vote at the Dietines. They would be inscribed in their district's register as they reach the age required by the laws, and those who should have been excluded from it would be crossed off as soon as they fall into that position, with the reason for their exclusion being noted. From these registers, which would have to be kept in an authenticated form, both the legitimate members of the Dietines and the subjects eligible to be deputies would easily be distinguished, and the length of the discussions on this item would be greatly shortened.

A better public order in the Diets and Dietines would assuredly be extremely useful; but, I will never repeat it too many times, one must not want two contradictory things at the same time. Public order is good, but freedom is worth more, and the more you impede freedom by forms, the more means for usurpation these forms will furnish. All those you make use of to prevent license in the legislative order, although good in themselves, will sooner or later be employed to oppress it. The long and vain harangues that cause such precious time to be wasted are a great evil, but for a good Citizen not to dare to speak when he has useful things to say is a much greater one. As soon as only certain mouths open in the Diets, and even they are forbidden to say everything, they will no longer say anything except what might please the powerful.

After the indispensable changes in the nomination of employment and in the distribution of favors, it is likely that there will be fewer vain harangues and fewer toadying speeches addressed to the King in this form. In order to prune the rigmarole and the rambling a little, every haranguer could nevertheless be obliged to announce at the beginning of his speech the proposal he wants to make, and, after having deduced his reasons, to give a summary of his conclusions, as the King's people do in the law courts. If that does not shorten the speeches, it would at least restrain those who want to speak only to say nothing, and cause time to be used up without doing anything.

I do not know very well what the established form is in the Diets for giving sanction to the laws; but I do know that for the reasons stated above, this form ought not to be the same as in the Parliament of Great Britain; that the Senate of Poland ought to have the authority of administration, not of legislation, that in every legislative case, the Senators ought to vote only as members of the Diet, not as members of the Senate, and that the votes ought to be counted by head in both chambers. Perhaps the practice of the *liberum veto* has kept this distinction from being drawn, but it will be very necessary when the *liberum veto* is removed, and all the more so since there will be one less immense advantage in the

chamber of Deputies, for I do not assume that the Senators, let alone the Ministers, have ever had a share in this right. The *veto* of the Polish Deputies corresponds to that of the Tribunes of the people at Rome. Now they did not exercise this right as Citizens, but as Representatives of the Roman People. Thus the loss of the *liberum veto* is a loss only for the chamber of Deputies, and the body of the Senate, losing nothing in this, consequently gains from it.

This posited, I see one defect to correct in the Diet; that is that, since the number of Senators almost equals that of the Deputies, the Senate has too great an influence in the deliberations, and by its influence in the equestrian order can easily gain the small number of votes it needs in order to be always preponderant.

I say that this is a defect; because the Senate, being a particular body in the State, necessarily has corporate interests different from those of the nation, and which may even be contrary to them in certain respects. Now the law, which is only the expression of the general will, is very much the resultant of all the particular interests combined and balanced by their large number. But since if the group interests made up too great a weight this would disrupt the equilibrium, they ought not to enter into it collectively. Each individual ought to have his vote, no group whatsoever ought to have one. Now if the Senate had too much weight in the Diet, not only would it bring its interest into it, but it would also make it preponderant.

A natural remedy for this defect presents itself; it is to increase the number of Deputies; but I would fear that this might cause too much commotion in the State and might come too close to Democratic tumultuousness. If it is absolutely necessary to change the proportion, instead of increasing the number of Deputies, I would prefer to decrease the number of Senators. And at bottom, I do not see very well why, since there is already a Palatin at the head of each province, there is still a need for great Castellans there. But let us never lose sight of the important maxim of not changing anything without necessity, neither to cut back nor to add.

In my opinion it is better to have a less numerous Council and to leave more freedom to those who make it up, than to increase their number and impede freedom in deliberations, as one is always forced to do when this number becomes too large: to which I shall add, if I am allowed to foresee good as well as evil, that one must avoid making the Diet as numerous as it can be so as not to deprive oneself of the means for admitting into it some new Deputies without confusion some day, if one ever achieves the ennobling of Cities and the enfranchisement of the serfs, as is to be desired for the strength and happiness of the nation.

Thus let us seek a way of remedying this defect in another manner and with the smallest change possible.

All Senators are named by the King, and consequently are his creatures. Furthermore, they are for life, and by this title, they form a group independent both of the King and of the equestrian order which, as I have said, has its separate interest and must tend toward usurpation. And one ought not to accuse me of contradicting myself here because I allow the Senate as a distinct body in the Republic even though I do not allow it as an order constituting the Republic; for that is extremely different.

First, the naming of the Senate must be taken away from the King, not so much because of the power he thereby preserves over the Senators, which might not be great, as because of that which he has over all those who aspire to be Senators, and by them over the entire body of the Nation. Aside from the effect of this change on the constitution, there will result from it the inestimable advantage of stifling the courtier spirit among the nobility and of substituting the patriotic spirit for it. I do not see any inconvenience in the Senators being named by the Diet, and I see in it great benefits too clear to need being set out in detail. This naming can be done all at once in the Diet, or first in the Dietines by the presentation of a certain number of subjects for each vacant place in their respective Palatinates. The Diet would make its choice from among these elect, or it might well elect a smaller number of them from among whom one could still leave the king the right of choosing. But to go all at once to the simplest, why wouldn't each Palatin be definitively elected in the Dietine of his province? What inconvenience has been seen to arise from this sort of election for the Palatins of Polock, of Witebsk, and for the Starost of Samogitia, and what harm would there be if the privilege of these three provinces became a right common to all? Let us not lose sight of how important it is for Poland to turn its constitution toward the federative form, in order to set aside as much as possible the ills attached to the greatness or rather the extent of the State.

In the second place, if you make it so the Senators are no longer for life you will considerably weaken the corporate interest which tends toward usurpation. But this operation has its difficulties: first, because it is hard for men accustomed to handling public business to see themselves suddenly reduced to a private station without being blameworthy; second because the positions of Senators are united to the titles of Palatin and Castellan and to the local authority attached to them, and because disorder and discontent would result from the perpetual passing of these titles and this authority from one individual to another. Finally, this removability cannot extend to the Bishops, and perhaps ought not to extend to

the Ministers whose positions—since they require particular talents—are not always easy to fill well. If the Bishops alone were for life, the authority of the clergy, already too great, would increase considerably, and it is important that this authority be counterbalanced by Senators who are for life as the bishops are, and who do not fear being removed from their positions any more than they do.

This is what I imagine as a remedy for these various inconveniences. I should like the positions of Senators of the first rank to continue to be for life. That would make, including all the Castellans of the first rank, eighty-nine unremovable Senators, aside from the Bishops and the Palatins.

As for the Castellans of the second rank, I should like them all to be for a term, either of two years, making a new election for each Diet, or of longer if this were judged appropriate: but always leaving position at the end of each term, aside from electing anew those whom the Diet would like to continue, which I would permit only for a certain number of times in accordance with the plan that will be found below.

The obstacle of titles would be weak, because these titles—giving almost no other function than that of sitting in the Senate—could be suppressed without inconvenience, and instead of the title of Castellans on the bench, they could simply bear that of deputy Senators. Since, for the reform, the Senate, being invested with the executive power, would have a certain number of its members perpetually assembled, a proportionate number of deputy Senators would be required always to be in attendance in rotation. But this is not the place for these sorts of details.

By means of this change that would hardly be felt, these Castellans or deputy Senators would really become so many representatives of the Diet who would make up a counterweight to the body of the Senate and would reinforce the equestrian order in the Nation's assemblies; so that the Senators for life, although they would have become more powerful, both from the abolition of the *veto* and from the reduction of the royal power and that of the Ministers which will have been partially blended into their body, could nevertheless not make the spirit of this body dominate there, and the Senate—half members for a term and half members for life—would also be constituted the best way possible for making an intermediate power between the chamber of Deputies and the King, having at the same time enough stability to regulate the administration and enough dependency to be subject to the laws. This operation appears good to me because it is simple and nonetheless has a great effect.<sup>35</sup>

I do not pause here over the manner of collecting the votes. It is not hard to regulate in an assembly composed of around three hundred members. They succeed at London in a much larger Parliament; at Geneva,

where the General Council is larger still and where everyone lives in distrust; and even at Venice in the Great Council composed of around twelve hundred nobles where vice and double-dealing are enthroned. Moreover, I have discussed this matter in the *Social Contract*, and for anyone who wants to count my opinion for anything, he must look for it there.

To moderate the abuses of the *veto* it is proposed no longer to count the Deputies' votes by head, but rather to count them by Palatinates. One cannot reflect too much on this change before adopting it, although it has its advantages and is favorable to the federative reform. Votes taken by groups and collectively always proceed less directly to the common interest than do those taken separately by individuals. It will very often happen that among the Deputies of a Palatinate one will take ascendancy over the others in their private deliberations, and determine the plurality for his opinion, which would not happen if each vote remained independent. Thus the corruptors will have less to do and will know better to whom to address themselves; moreover, it is better for each Deputy to have to answer for himself alone in his Dietine, so that none use the others as an excuse, so that the innocent and the guilty will not be mixed up, and so that distributive justice will be better observed. Many reasons occur against this form which would loosen the common bond very much and could expose the State to being divided at every Diet. By making the Deputies more dependent upon their instructions and their constituents one gains just about the same advantage without any inconvenience. It is true that this presupposes that the suffrages are not given at all by ballot, but aloud, so that the conduct and opinion of each Deputy at the Diet can be known, and so that he might answer for it in his own and personal name. But since this matter of suffrage is one of those I discussed with the greatest care in the *Social Contract*, it is superfluous for me to repeat myself here.<sup>36</sup>

As for elections, at first there will perhaps be some perplexity over naming so many deputy Senators at the same time in each Diet and in general over the election of a great number out of an even greater number that will sometimes recur in the plan I am proposing: but for this item by having recourse to the ballot this perplexity is easily removed by means of printed and numbered cards that would be distributed to the electors on the eve of the election, and which would contain the names of all the candidates from whom election is to be made. The next day the electors would come in file to put all their cards into a basket, after each has marked on his own the ones he elects or the ones he excludes in accordance with the instructions at the top of the cards. In the presence of the assembly, these same cards would be read right away by the

secretary of the Diet assisted by two other secretaries *ad actum* named on the spot by the Marshal for the number of deputies who are present. By this method the operation would become so short and so simple that the whole Senate would easily be filled in one session without dispute and without noise. It is true that a rule would still be necessary to determine the list of candidates; but this item will have its place and will not be forgotten.

It remains to speak about the King, who presides at the Diet, and who, by his position, ought to be the supreme administrator of the Laws.

### [VIII] On the King.

It is a great evil for the Leader of a nation to be the born enemy of the freedom whose defender he ought to be. This evil, in my opinion, is not so inherent in this position that it cannot be separated from it, or at least considerably decreased. There is no temptation at all without hope. Make usurpation impossible for your Kings, you will deprive them of the fantasy; and they will put all the efforts they make now for enslaving you into governing and defending you. As Count Wielhorski has noted, the Founders of Poland have very much thought about depriving the Kings of the means of harming but not of the means of corrupting, and the favors they have to distribute give them abundant means to do this. The difficulty is that by depriving them of this distribution one appears to be depriving them of everything: that is nevertheless what must not be done; for it would be just as good to have no King at all, and I believe it is impossible for a State as large as Poland<sup>37</sup> to do without one; that is to say without a supreme leader for life. Now unless the leader of a nation is completely null, and consequently useless, he must be able to do something, and the little that he does must necessarily be for good or for ill.

At present the whole Senate is named by the King: that is too much. If he has no share in naming it that is not enough. Although the Peerage in England is also named by him, it is much less dependent on him, because—once given—this Peerage is hereditary, while the Bishops, Palatins, and Castellans, being only for life, return to the King for naming upon the death of each incumbent.

I have said how it appears to me that this nomination ought to be done, namely the Palatins and grand Castellans for life by their respective Dietines; the Castellans of the second rank for a term and by the Diet. With regard to the Bishops, it appears difficult to me to deprive the King of their nomination, unless one has them elected by their chapters, and I believe that one can leave it to him, except, however, that of the Arch-



bishop of Giezno which naturally belongs to the Diet, unless one separates the Primacy from it, which ought be at its disposition. As for the Ministers, above all the great Generals and high Treasurers, although their power, which makes up a counterweight to that of the King, ought to be reduced in proportion to his, it does not appear prudent to me to leave the King the right of filling these places with his creatures, and I would like him at least to have the choice only from a small number of subjects presented by the Diet. I agree that, since he cannot take away positions once he has given them, he can no longer count absolutely on those who fill them: but they give him enough power over the aspirants—if not to put him in a condition to change the face of the government—at least to leave him the hope of doing so, and it is that hope above all that must be taken away from him at all cost.

As for the high Chancellor, it seems to me he ought to be named by the King. Kings are the born judges of their peoples: that is the function<sup>38</sup> for which they have been established, even though they might all have abandoned it, it cannot be taken away from them; and if they do not want to fill it themselves, the naming of their substitutes in this position is a part of their right, because they are always answerable for the judgments that are rendered in their name. The nation can, it is true, give them associates, and ought to when they do not judge by themselves: thus the Crown's court where, not the King, but the high Chancellor presides, is under the nation's supervision, and it is reasonable for the Dietines to name its other members. If the King judged in person, I hold that he ought to have the right to judge by himself.<sup>39</sup> In every sort of case he would always have an interest in being just, and iniquitous judgments have never been a good way to succeed in usurpation.

With regard to other dignities, both Crown's and the Palatinates, which are only honorific titles and give more brilliance than influence, one can do no better than to leave him the full disposition of them: let him be able to honor merit and flatter vanity, but do not let him be able to confer power.

The majesty of the throne ought to be maintained with splendor, but it is important that one lets as little as possible of all the expense necessary for this effect be made by the King. It would be desirable for all the King's officials to be on the Republic's payroll and not on his, and that all the royal revenues be reduced in the same proportion, so as to diminish as much as possible the management of money by the King.

It has been proposed to make the Crown hereditary. Rest assured that the moment this law is passed Poland can bid farewell to its freedom forever. They think they have provided for it sufficiently by limiting



the royal power. They do not see that, over a length of time these limits posed by the laws will be broken by means of gradual usurpations, and that over the long term a system adopted and followed without interruption by a royal family must win out over a legislation which by its nature tends ceaselessly toward relaxation. If the King cannot corrupt the Great by favors, he can always corrupt them by promises of which his successors are the guarantors, and, since plans formed by the royal family are perpetuated along with it, people will have much more confidence in its engagements and will count much more on their accomplishment, than when the elective crown shows the monarch's plans ending along with his life. Poland is free because each reign is preceded by an interval in which the nation—brought back to all its rights and taking on a new vigor again—cuts off the progression of abuses and usurpations, in which the legislation rallies and takes back its first resilience. What will the *pacta conventa*, the aegis of Poland, become when a family established on the throne in perpetuity fills it without a gap, and leaves the nation, between the death of the father and the crowning of the son, only a vain shadow of freedom without effect, which will soon be annihilated by the pretense of the oath taken by all the Kings at their coronation, and forgotten forever by all of them the instant afterwards? You have seen Denmark, you see England, and you are going to see Sweden. Take advantage of these examples to learn once and for all that, whatever precautions one might pile up, heredity in the throne and freedom in the nation will always be incompatible things.

The Poles have always had the tendency to transmit the Crown from Father to son, or to the closest relative by way of inheritance, although always by the right of election. If they continue to follow it, sooner or later this inclination will lead them to the misfortune of making the crown hereditary, and they must not hope to struggle against the royal power for as long in the way the members of the Germanic Empire have struggled against that of the Emperor, because Poland does not have in itself any counterweight sufficient for keeping a hereditary King in legal subordination. In spite of the power of several members of the Empire, without the accidental election of Charles VII, by now the imperial capitulations would be nothing but a vain formula, as they were at the beginning of this century; and the *Pacta Conventa* will become even more vain when the royal family has had time to become stronger and to put all the others beneath it. To state my feeling on this point in one word, I think that an elective Crown with the most absolute power would be better for Poland than a hereditary Crown with almost no power.

In place of this fatal law which would make the Crown hereditary I

would propose a very opposite one which, if it were accepted, would maintain Poland's freedom. It would be to ordain by a fundamental law that the Crown would never pass from father to son and that every son of a King of Poland would be forever excluded from the throne. I say that I would propose this law if it were necessary: but occupied with a plan that would have the same effect without it, I postpone the explanation of this plan to its place, and assuming that by its effect the sons will be excluded from their father's throne, at least immediately, I believe that a well-secured freedom will not be the only advantage that will result from this exclusion. From it will be born another even more considerable one: that is, by depriving the Kings of every hope of usurping arbitrary power and of transmitting it to their children, it will bring all their activity to bear upon the glory and prosperity of the State, the sole aim that remains open to their ambition. It is thus that the Leader of the Nation will become, no longer the born enemy, but the foremost Citizen. It is thus that he will make it his great business to make his reign illustrious by means of useful establishments that would make him dear to his people, respectable to his neighbors, that would cause his memory to be blessed after him, and it is thus that (aside from the means of harming and seducing that must never be left to him) it will be suitable to increase his power in everything that can contribute to the public good. He will have little immediate and direct force for acting by himself, but he will have much authority for supervision, and inspection, for restraining everyone in his duty, and for directing the Government to its genuine goal.<sup>40</sup> The presidency over the Diet, over the Senate, and over all the bodies, a severe supervision of the conduct of all the people in positions, a great care for maintaining justice and integrity in all the law courts, for preserving order and tranquillity in the State, for giving it a good situation outside, the command over its armies in times of war, useful establishments in times of peace, are the duties that pertain particularly to his office of king, and which will occupy him enough if he wants to fill them by himself; for, since the details of administration are entrusted to Ministers established for that, it ought to be a crime for a King of Poland to entrust any part of his activity to favorites. Let him perform his occupation in person, or let him renounce it. An important point about which the nation ought never to relax.

It is upon such principles that the equilibrium and the balancing of the powers that make up legislation and administration ought to be established. These powers, in the hands of their depositaries and in the best proportion possible, ought to be in direct ratio with the number who hold them and inversely with the time they remain in position. The parts composing the Diet will follow this better relationship rather closely. The

chamber of Deputies, being more numerous, will also be the more powerful, but all its members will change frequently. The Senate, being less numerous, will have a smaller share in the legislation, but a greater one in the executive power, and its members, participating in the constitution of the two extremes, will be partially for a term and partially for life as is suitable for an intermediate body. The King, who presides over everything, will continue to be for life, and his power, always very great for inspection will be limited by the chamber of deputies as to legislation and by the Senate as to administration. But in order to maintain equality, the principle of the constitution, nothing ought to be hereditary in it but the nobility. If the Crown were hereditary, in order to preserve equilibrium the Peerage or the Senatorial order would have to be so also, as in England. Then the diminished equestrian order would lose its power since, unlike the House of Commons, the chamber of Deputies does not have the power of opening and closing the public treasury every year, and the Polish constitution would be overturned from top to bottom.

### [IX] Particular Causes of Anarchy<sup>41</sup>

Well proportioned and well balanced this way in all its parts, the Diet will be the source of good legislation and good government. But for that, its orders must be respected and followed. The disdain for the laws and anarchy in which Poland has lived until now have causes that are easy to see. I have already noted the principal one above, and I have indicated the remedy for it. The other contributing causes are, 1st. The *liberum veto*, 2nd. The confederations, 3rd. And the abuse that private individuals make of the right that they have been left of having armed men at their service.

This last abuse is such that, if one does not begin by removing it, all the other reforms are useless. As long as private individuals have the power to resist the executive force, they will believe they have the right to do so, and as long as they have little wars among each other, how can the State be at peace? I admit that the fortified places need guards; but why are places that are strong only against the Citizens and weak against the enemy necessary? I am afraid that this reform might allow of difficulties; nevertheless I do not believe they are impossible to overcome, and if only a powerful Citizen is reasonable, he will consent without difficulty to not having armed men of his own when no one else has them.

I intend to speak below about military establishments; thus I put off to that item what I might say about it in this one.

In itself the *liberum veto* is not a vicious right, but as soon as it passes its bounds it becomes the most dangerous of abuses: it was the guarantee of

public liberty; it is no longer anything but the instrument of oppression. The only way to remove this fatal abuse is to destroy its cause completely. But it is in man's heart to hold onto individual privileges more than to greater and more general advantages. Only a patriotism enlightened by experience can learn to sacrifice to greater goods a brilliant right that has become pernicious by its abuse, and from which this abuse is henceforth inseparable. All Poles must keenly feel the evils which this unfortunate right has made them suffer. If they love order and peace, they have no means for establishing both among them as long as they allow to continue to exist this right, that is good during the formation of the body politic or when it has all its perfection, but that is absurd and fatal as long as there are changes left to make and it is impossible for there not always to be some, above all in a large State surrounded by powerful and ambitious neighbors.

The *liberum veto* would be less unreasonable if it fell uniquely on the fundamental points of the constitution: but for it to take place generally in all the deliberations of the Diets, that is what cannot be allowed in any fashion. It is a vice in the Polish constitution<sup>42</sup> for the legislation and administration not to be well enough distinguished, and for the Diet—exercising the legislative power—to mix parts of administration into it, to perform indifferently acts of sovereignty and of government, often even mixed acts by which its members are magistrates and legislators both at the same time.

The proposed changes tend to distinguish these two powers better, and by that very fact to mark out better the limits of the *liberum veto*. For I do not believe that it has ever fallen into anyone's mind to extend it to matters of pure administration, which would be to annihilate civil authority and all government.

By the natural right of societies, unanimity has been required for the formation of the body politic and for the fundamental laws that pertain to its existence, such, for example, as the first corrected, the fifth, the ninth, and the eleventh, enacted in the Pseudo Diet of 1768.<sup>43</sup> Now the unanimity required for the establishment of these laws ought to be the same for their abrogation. Thus there are points on which the *liberum veto* can continue to exist, and since it is not a question of destroying it totally, the Poles who, without much murmuring, have seen this right restricted by the illegal Diet of 1768, ought to see it reduced and limited without difficulty in a freer and more legitimate Diet.

It is necessary to weigh and meditate well upon the capital points that will be established as fundamental laws, and it is only on these points that the force of the *liberum veto* will be brought to bear. This way the

constitution will be made as solid and these laws as irrevocable as they can be: for it is against the nature of the body politic to impose on itself laws that it cannot revoke; but it is neither against nature nor against reason for it not to be capable of revoking these laws except with the same solemnity it put into establishing them. This is the only chain it can give itself for the future. That is enough both to strengthen the Constitution and to satisfy the Polish love for the *liberum veto*, without exposing them later on to the abuses that it causes to be born.

As for those multitudes of points that have ridiculously been put into the number of fundamental laws, and which merely make up the body of legislation, as for the ones arranged under the title of matters of State, by the vicissitude of things they are subject to unavoidable variations that do not allow one to require unanimity in them. It is also absurd that in any case whatsoever a member of the Diet should be able to stop its activity, and the withdrawal or protest of one or several Deputies should be able to dissolve the assembly and break the sovereign authority this way. It is necessary to abolish this barbarous right and to impose capital punishment on anyone who might be tempted to avail himself of it. If there were cases of protest against the Diet, which cannot happen as long as it is free and full, it would be to the Palatinates and Dietines that this right could be conferred, but never to the Deputies who, as members of the Diet, ought not to have any degree of authority over it nor to challenge its decisions.

Between the *veto* which is the greatest individual force that the members of the sovereign power can have and which ought not to take place except for genuinely fundamental laws, and plurality, which is the smallest and which relates to matters of simple administration, there are different propositions upon which one can determine the preponderance of opinions in proportion to the importance of the matters. For example when it is a question of legislation, one can require at least three-quarters of the suffrages, two-thirds in matters of State, plurality only for elections and other routine and momentary business. This is only an example to explain my idea and not a proportion that I am settling.

In a State such as Poland where souls still have great resilience, perhaps this fine right of *liberum veto* could be preserved in its entirety without much risk, and perhaps even with advantage, provided that right was made dangerous to exercise, and had great consequences attached to it for the one who availed himself of it. For it is, I dare say, extravagant for the one who ruptures the activity of the Diet this way and leaves the State without recourse, to depart to enjoy tranquilly and with impunity at home the public desolation he has caused.

If, then, in an almost unanimous resolution, a single opponent pre-

served the right of annulling it, I would like him to answer for his opposition with his head, not only to his constituents in the post-comital Dietine, but afterwards to the whole nation whose unhappiness he caused. I would like it to be ordained by law that six months after his opposition, he would be judged solemnly by an extraordinary court established for that alone, composed of everyone whom the nation has that is wisest, most illustrious, and most respected, and which could not send him back simply absolved, but would be obliged either to condemn him to death without any pardon, or to bestow on him a recompense and public honors for his whole life, without ever being able to take any middle course between these two alternatives.

Establishments of this sort, so favorable to the energy of courage and to the love of freedom, are too remote from the modern spirit for one to be able to hope that they might be adopted or relished, but they were not unknown to the ancients and by means of them their founders knew how to raise up souls and enflame them at need with a truly heroic zeal. In some Republics in which even harsher laws reigned, during the fatherland's peril generous Citizens have been seen to consecrate themselves to death in order to initiate an opinion that might save it. A *veto* followed by the same danger might save the State on occasion, and will never need to be feared very much.

Dare I speak here about the confederations and not share the opinion of learned people? They see only the harm they do; it would also be necessary to see the harm they hinder. Without contradiction confederation is a violent state in the Republic; but extreme evils make violent remedies necessary, and one must seek to cure them at any price. The Confederation is in Poland what the Dictatorship was among the Romans: both silence the laws in a pressing danger, but with this great difference that the Dictatorship, being directly contrary to the Roman Legislation and the spirit of the government, ended by destroying it, and the Confederation, on the contrary, being only a means of strengthening and reestablishing the constitution when it has been shaken by great efforts, can tighten and reinforce the relaxed spring of the State without ever being able to break it. This federative form, which might have had a fortuitous cause in its origin, appears to me to be a masterpiece of politics. Wherever freedom reigns it is ceaselessly attacked and very often in peril. Every free State where great crises have not been foreseen is in danger of perishing at each storm. Only the Poles have known how to draw a new means for maintaining the Constitution from these very crises. Without the Confederations the Republic of Poland would long ago have ceased to exist, and I am very much afraid that it will not last long after them, if it is decided to

abolish them. Cast your eyes on what just happened. Without the Confederations the State would have been subjugated; freedom would have been annihilated forever. Do you want to deprive the Republic of the resource that just saved it?

And let it not be thought that, when the *liberum veto* is abolished and plurality reestablished, the confederations will become useless, as if their whole advantage consisted in that plurality. They are not the same thing. In extreme need the executive power attached to the confederations will always give them a vigor, an activity, a speed that the Diet—forced to proceed by slower steps, with more formalities—cannot have, and it cannot make a single irregular movement without overturning the constitution.

No, the Confederations are the shield, the refuge, the sanctuary of this constitution. As long as they continue to exist it appears impossible to me that it will be destroyed. They must be left, but they must be regulated. If all abuses were removed, the confederations would become almost useless. The reform of your Government ought to bring about this effect. It will no longer be anything but violent undertakings that make one need to have recourse to them; but these undertakings are in the order of things that must be foreseen. Thus instead of abolishing the confederations, determine the cases in which they can legitimately take place, and then regulate their form and effect very well in order to give them a legal sanction as much as possible without disturbing their formation or their activity. There are even cases the mere occurrence of which should cause all of Poland to be immediately confederated;<sup>44</sup> as for example at the moment when, under any pretext whatsoever and outside of the case of open war, foreign troops set foot in the State; because, in sum, whatever the subject for that entrance might be and even if the government itself has consented to it, confederation at home is not hostility toward others. When, by any obstacle whatsoever the Diet is prevented from assembling at the time set down by the law, when by the instigation of anyone whatsoever armed men are found at the time and place of its assembly, or its form is altered, or its activity is suspended, or its freedom is hindered in any fashion whatsoever; in all these cases the general Confederation ought to exist by the occurrence alone; assemblies and particular signatures are only the branches, and all the Marshals ought to be subordinated to the one who has been named first.

#### [X] Administration.<sup>45</sup>

Without entering into details of administration about which I lack both knowledge and views, I will venture only some ideas about the two



parts of finance and war, which I ought to state because I believe them to be good, although I am almost certain that they will not be savored: but before everything I shall make a remark about the administration of justice that is a little less distant from the spirit of Polish Government.

The two estates of man of the sword and man of the robe were unknown to the ancients. Citizens were by profession neither soldiers, nor judges, nor priests; they were all out of duty. That is the true secret for making everything proceed to the common goal, for keeping the spirit of estate from taking root in corporate entities at the expense of patriotism and the hydra of chicanery from devouring a nation. The function of judge in both the supreme and local law courts, ought to be a temporary station of tests based on which the nation might appraise a Citizen's merit and probity, in order to raise him up afterward to the more eminent posts for which he is found capable. This manner of envisaging themselves can only make judges very attentive to sheltering themselves from all reproach and give them generally all the attentiveness and all the integrity that their position requires. In the fine times of Rome this is how one passed through the Praetorship to attain the Consulate. This is the means for justice to be well administered—with a few clear and simple laws and even with few judges—leaving to judges the power to interpret and to supplement the laws at need by the natural lights of rectitude and good sense. Nothing is more puerile than the precautions taken on this point by the English. In order to eliminate arbitrary judgments they have subjected themselves to a thousand iniquitous and even extravagant judgments: multitudes of lawyers devour them, eternal lawsuits consume them, and with the mad idea of wanting to foresee everything, they have made their laws into an immense maze, in which memory and reason alike get lost.

It is necessary to make three codes. One political, another civil, and another criminal. All three as clear, short, and precise as possible. These codes will be taught, not only in the universities, but in all the schools, and no other body of right will be needed. All the rules of natural right are better engraved in the hearts of men than in all the rubbish of Justinian. Only make them honest and virtuous and I will answer to you for it that they will know enough about right. But all Citizens and above all public men must be instructed about the positive laws of their country and about the particular rules based on which they are governed. They will find them in these codes which they ought to study, and all the nobles, before being inscribed in the book of gold which is to open the way to entrance into a Dietine, ought to undergo on these codes, and in particular on the first, an examination which is not a simple formality, and based on which,



if they are not adequately instructed, they will be sent back until they are better instructed. With regard to Roman right and customs, all that, if it exists, ought to be removed from the schools and from the courts. One ought not to be acquainted with any authority other than the Laws of the State; they ought to be uniform in all the provinces in order to dry up one source of proceedings, and the questions that are not settled by them ought to be settled by the good sense and integrity of the judges. Count upon it that when the magistracy is only a station of testing to ascend higher for those who exercise it, they will not abuse this authority as one might fear, or that if this abuse takes place, it will always be less than the abuse from those crowds of laws which often contradict each other, the number of which makes proceedings eternal, and whose conflict equally makes judgments arbitrary.

What I say here about judges ought to be extended *a fortiori* to Lawyers. This estate, so respectable in itself, is degraded and debased as soon as it becomes a profession. The lawyer ought to be his client's first and most severe judge. His employment ought to be as it was at Rome and as it is still in Geneva, the first step for attaining the magistracies; and in fact the lawyers are highly regarded at Geneva and deserve to be so. They are postulants for the Council, very attentive toward doing nothing that draws public disapproval upon them. I should like all public functions to lead to each other this way; so that no one would arrange to stay in his own, would not make it into a lucrative profession for himself, and would not put himself above the judgment of men. This would perfectly satisfy the wish to have the children of opulent citizens pass through the estate of lawyer, made honorable and temporary this way. I shall develop this idea better in a moment.

In passing, I ought to say here, since it comes to my mind, that it is against the system of equality in the equestrian order to establish entails and Primogeniture there. Legislation must always tend toward diminishing the great inequality of fortune and power that puts too much distance between the Lords and the simple nobles, and which a natural progression tends always to increase. With regard to the Census by which one would settle the quantity of land that a noble ought to possess to be admitted to the Dietines, seeing good and evil in that, and not knowing the country well enough to compare the effects, I do not dare to settle this question absolutely. Without contradiction, it would be desirable for a Citizen who has a vote in a Palatinate to possess some land there, but I would not very much like the quantity to be fixed: by counting possessions for much, must one count men for nothing at all? What? because a Gentleman has little or no land, does he cease for that to be free and

noble, and is his poverty alone a serious enough crime to make him lose his right as a Citizen?

Moreover, no law ought ever to be allowed to fall into desuetude. Whether it is indifferent, whether it is bad, it must be formally repealed or maintained in vigor. This maxim, which is fundamental, will oblige passing all the old laws under review, repealing many of them, and giving the most severe sanction to those<sup>46</sup> one wants to preserve. In France it is regarded as a State maxim to close one's eyes over many things; that is what despotism always requires: but in a free Government it is the means of enervating the legislation and shaking the constitution. Few laws, but well digested and above all well observed. All abuses that are not forbidden have no consequences. But in a free State, anyone who says law says a thing before which every Citizen trembles, and the King the first of all. In a word, put up with anything rather than use up the resiliency of the laws; for once this resiliency is used up the State is lost without resource.

### [XI] Economic System.

The choice of the economic system that Poland ought to adopt depends on the object it proposes for itself in correcting its constitution. If you want only to become noisy, brilliant, formidable, and to have influence over the other peoples of Europe, you have their example, apply yourself to imitating it. Cultivate the sciences, the arts, commerce, industry, have regular troops, fortified places, Academies, above all a good system of finances which makes money circulate well, which thereby multiplies it, which procures you a lot of it; work to make it very necessary, so as to keep the people in a great dependency and for that ferment both material luxury and the luxury of mind, which is inseparable from it. In this manner you will form a people that is scheming, fervent, greedy, ambitious, servile and knavish like the others, always at one of the two extremes of misery or opulence, of license or of slavery with no middle ground: but you will be counted among the great powers of Europe, you will enter into all the political systems, your alliance will be sought after in all negotiations, you will be tied by treaties: there will be no war in Europe into which you do not have the honor of being stuck: if good fortune wishes it for you, you will be able to recover your former possessions, perhaps conquer new ones, and then say like Pyrrhus or like the Russians, that is to say, like children: "When the whole world is mine I will eat a lot of candy."<sup>47</sup>

But if by chance you prefer to form a free, peaceful, and wise nation which neither fears nor needs anyone, which suffices to itself and which

is happy; then a completely different method must be taken, maintain, re-establish among you simple morals, healthy tastes, a martial spirit without ambition; form courageous and disinterested souls; apply your peoples to agriculture and to the arts necessary for life, make money contemptible, and, if possible, useless, seek, find more powerful and more certain springs to accomplish great things. I agree that by following this route you will not fill up the gazettes with noise about your festivals, about your negotiations, about your exploits, that philosophers will not flatter you, that poets will not sing about you, that they will say very little about you in Europe: perhaps they will even affect disdain for you; but you will live in genuine abundance, in justice, and in freedom; but they will not pick a fight with you, they will fear you without giving the appearance of doing so, and I answer to you for it that neither the Russians nor anyone else will come to play the masters among you again, or that, if for their misfortune they do come, they will be in an even greater hurry to leave. Above all do not attempt to unite these two projects; they are too contradictory, and to want to reach both by a mixed procedure is to want to fail at both of them. Choose, then, and if you prefer the first choice stop reading me here; for everything I have left to propose relates only to the second.

Without contradiction there are excellent economic plans in the papers I have been sent. The defect I see in them is that they are more favorable to wealth than to prosperity. As regards new establishments, one must not be satisfied with seeing their immediate effect; one must also foresee very well their remote but necessary consequences. For example the plan for the sale of the starosties<sup>48</sup> and for the manner of using its proceeds appears to me well understood and easily executed in the system established throughout Europe of doing everything with money. But is this system good in itself and does it attain its goal? Is it certain that money is the sinews of war? Rich peoples have always been beaten and conquered by poor peoples. Is it certain that money is the spring of a good government? Systems of finances are modern. I do not see anything good or great emerging from them. Ancient Governments did not even know this word *finance*, and what they did with men is prodigious. Money is at most the supplement of men, and the supplement will never be worth the thing. Poles, leave all this money to others, or satisfy yourselves with what they will need to give you, since they need your wheat more than you do their gold. It is better, believe me, to live in abundance than in opulence; be better than pecunious, be rich. Cultivate your fields well, without worrying about the rest, soon you will harvest gold and more than you need to procure the oil and wine you lack, since aside from them

Poland abounds or can abound in everything. In order to keep you happy and free, heads, hearts, and arms are what you need: that is what makes up the force of a State and the prosperity of a people. Systems of finance make venal souls, and as soon as all one wants is to gain, one always gains more by being a knave than by being an honest man. The use of money goes astray and hides itself; it is intended for one thing and employed for a different one. Those who handle it soon learn how to divert it, and what are all those watchmen one gives them but other knaves that one sends to share with them. If there were nothing but public and manifest wealth; if the movement of gold left an ostensible mark and could not be hidden, there would be no expedient at all more convenient for purchasing services, courage, fidelity, virtues; but given its hidden circulation, it is even more convenient for making plunderers and traitors, for putting the public good and freedom up for auction. In a word money is at the same time the weakest and most vain spring that I know for making the political machine move toward its goal, the strongest and the most certain for diverting it from it.

One cannot make men act except by their self-interest, I know it; but pecuniary interest is the worst of all, the most vile, the most suited to corruption, and even, I repeat it with confidence and will always maintain it, the least and the weakest in the eyes of anyone who is well acquainted with the human heart. In all hearts there are naturally great passions in reserve; when the only one left is the one for money, it is because all the others which ought to have been excited and developed have been enervated and stifled. The miser has properly no passion at all that dominates him; he aspires to money only out of foresight, in order to satisfy those that might occur to him. Know how to foment them and satisfy them directly without this resource; it will soon lose all its value.

Public expenditures are inevitable; I admit it again. Make them with any other thing rather than with money. In Switzerland one still sees officials, magistrates and other public employees paid in kind. They have tithes, wine, wood, useful or honorific rights. All public service is done by statutory labor, the State pays almost nothing in money. It will be said that it is needed to pay troops. This item will have its place in a moment. This manner of payment is not without inconvenience; there is loss, waste: the administration of these sorts of goods is more troublesome; above all it is displeasing to those who are burdened with it, because they find less in it to turn to their account. That is all true; but the evil is small in comparison with the crowd of evils it saves! A man would like to embezzle, but he cannot do so without it being apparent. The Bailiffs of the Canton of Berne will be raised as an objection to me; but where do their

vexations come from? from the pecuniary fines that they impose. These arbitrary fines are already a great evil in themselves. Nevertheless if they could not exact them except in kind this would be almost nothing. The money they extort is easily hidden, storehouses would not be hidden the same way. In the Canton of Berne alone ten times more money is handled than in all the rest of Switzerland; also its administration is proportionately iniquitous. Seek in every country, in every government, and all over the earth. You will not find any great evil in morality and in politics in which money is not mixed.

Someone will say to me that the equality of fortunes that reigns in Switzerland makes parsimony in administration easy: whereas the many powerful houses and great Lords that are in Poland require great expenditures for their maintenance and finances to provide for them. Not at all. These great Lords are rich by their patrimonies, and their expenditures will be less once luxury ceases to be honored in the State, without distinguishing them less from inferior fortunes which will shrink in the same proportion. Pay for their services with authority, honors, high positions. Inequality in ranks is compensated for in Poland by the advantage of the nobility which makes those who fill them more jealous of honors than of profit. By graduating and distributing these purely honorific recompenses appropriately the Republic husbands a treasury that will not ruin it, and that will give it heroes for Citizens. This treasury of honors is an inexhaustible resource among a people that has honor; and please God that Poland might hope to exhaust this resource. Oh fortunate the nation that will find in its bosom no more possible distinctions for virtue!

To the defect of not being worthy of it, pecuniary recompenses join that of not being public enough, of not speaking ceaselessly to the eyes and hearts, of disappearing as soon as they are granted, and of not leaving any visible trace that excites emulation by perpetuating the honor that ought to accompany them. I would like for all grades, all employments, all honorific recompenses to be marked by external signs, for no man in office to be allowed to walk incognito, for the marks of his rank or his dignity to follow him everywhere, so that the people might always respect him, and so that he might always respect himself; so that he might always be able to dominate opulence; so that a rich man who is only rich, ceaselessly overshadowed by titled and poor Citizens, might not find either consideration or approval in his fatherland; so that he might be forced to serve it in order to shine there, to have integrity out of ambition, and in spite of his wealth to aspire to ranks toward which only public approbation leads, and from which blame can always make one fall. That is how one enervates the force of wealth, and how one makes men who are not

for sale. I insist on this point very much, being well persuaded that your neighbors and above all the Russians will spare nothing to corrupt your people in office, and that the great business of your Government is to work at making them incorruptible.

If someone tells me that I want to make Poland into a people of Capuchin monks, I answer first that this is only a French-style argument, and that joking isn't reasoning. I answer also that one must not exaggerate my maxims beyond my intentions and beyond reason; that my design is not to suppress the circulation of specie, but only to slow it down, and above all to prove how much it matters that a good economic system not be a system of finance and money. In order to uproot cupidity in Sparta Lysurgus did not annihilate currency, but he made one of iron. As for me, I intend to proscribe neither silver nor gold, but to make them less necessary, to make it so that someone who does not have it might be poor without being destitute. At bottom money is not wealth, it is only its sign; it is not the sign that must be multiplied, but the thing represented. I have seen, in spite of the fables of travelers that in the midst of all their gold the English were not individually any less needy than other peoples. And what does it matter to me, after all, to have a hundred guineas instead of ten, if these hundred guineas do not bring me a more comfortable subsistence? Pecuniary wealth is only relative, and in accordance with relations that can change by a thousand causes, one can find oneself successively rich and poor with the same sum; but not with goods in kind, for since they are immediately useful to men they always have their absolute value which does not depend at all on an operation of commerce. I grant that the English people is wealthier than other peoples, but it does not follow that a bourgeois of London lives more comfortably than a bourgeois of Paris. From people to people, the one that has more money has the advantage; but that does nothing for the fate of private individuals, and it is not there that the prosperity of a nation resides.

Favor agriculture and the useful arts, not in enriching the cultivators, which would only be to incite them to leave their station, but by making it honorable and pleasant. Establish factories for the foremost necessities; ceaselessly multiply your wheat and your men without troubling yourself about the rest. The excess of the produce of your land, which is going to be lacking to the rest of Europe because of the increasing monopolies, will necessarily bring you more money than you will need. Beyond this necessary and certain produce, you will be poor as long as you want to have more; as soon as you know how to do without it, you will be rich. There is the spirit I would like to make reign in your economic system. To consider other countries little, to be little concerned with commerce;

but at home to increase both produce and consumers as much as possible. The infallible and natural effect of a free and just Government is population. Thus the more you perfect your Government, the more you will increase your people without even thinking about it. This way you will have neither beggars nor millionaires. Luxury and indigence will disappear together insensibly, and the Citizens, cured of the frivolous tastes that opulence gives, and of the vices attached to poverty, will put their efforts and their glory into serving the fatherland well and will find their happiness in their duties.

I would like one always to tax men's arms more than their purse; to have roads, Bridges, public buildings, service of the Prince and of the State be done by statutory labor and not at all at the price of money. This sort of tax is at bottom the least onerous and above all the one that can be least abused: for money disappears upon leaving the hands that pay it, but everyone sees what men are employed for, and one cannot overburden them at pure loss. I know that this method is impracticable where luxury, commerce, and the arts reign: but nothing is as easy among a simple people who have good morals, and nothing is more useful for preserving them this way: this is an additional reason for preferring it.

I return thus to the starosties, and I agree once again that the plan of selling them to put the proceeds to work for the profit of the public treasury is good and well understood as to its economic object; as to the political and moral object, this project is so little to my taste that if the starosties had been sold, I would like them to be bought back in order to make them into funds for salaries and recompenses for those who serve the fatherland or who deserved well of it. In a word I should like, if it were possible, for there to be no public treasury at all and for the internal revenue not even to acknowledge payments in money. I see that the thing is not strictly possible; but the spirit of the government ought always to tend to making it so, and nothing is more contrary to this spirit than the sale that is at issue. The Republic would be richer from it, it is true; but the spring of the government would be proportionately weaker from it.

I admit the administration of public goods would become more difficult and above all less agreeable to the administrators when all these goods are in kind and not at all in money: but then this administration and its inspection must be made into so many tests of good sense, of vigilance, and above all of integrity, for attaining more eminent positions. In this regard one will be doing nothing but imitating the municipal administration established at Lyon, where one must begin by being Administrator of the Charity Hospital in order to attain city offices, and one's worthiness for the others is judged from the manner in which one acquires



oneself in that one. No one had more integrity than the Quaestors of the Roman armies because the Quaestorship was the first step for attaining the curule office. In the positions that might tempt cupidity, one must make ambition repress it. The greatest good that results from this is not the savings from knavishness; but making disinterestedness honored, and making poverty respectable when it is the fruit of integrity.

The Republic's revenues do not equal its expenses; I can very well believe it; the Citizens do not want to pay anything at all. But men who want to be free ought not to be slaves of their purse, and where is the State in which freedom is not paid for and even very dearly? Switzerland will be cited to me; but as I have already said, in Switzerland the Citizens themselves fill the functions that everywhere else they prefer to pay to have others fill. They are soldiers, officials, magistrates, workers: they are everything for the service of the State, and, always ready to pay from their person, they do not need to pay again from their purse. When the Poles want to act this way, they will not need money any more than the Swiss do: but if such a large State refuses to conduct itself on the maxims of small Republics, it should not look for their advantages, nor should it want the effect while rejecting the means for obtaining it. If, in accordance with my desire, Poland was a confederation of thirty-three small States, it would unite the force of large Monarchies and the freedom of small Republics; but for that it would be necessary to renounce ostentation, and I am afraid that this item might be the most difficult one.

Of all the manners of levying a tax the most convenient and the one that costs the least is without contradiction capitation; but this is also the most forced, the most arbitrary, and it is doubtless for that reason that Montesquieu finds it servile, although it was the only one used by the Romans and it still exists at this moment in several Republics, under other names, in truth, as in Geneva, where that is called *to pay the Guards*, and where only Citizens and Bourgeois<sup>49</sup> pay this tax, while the inhabitants and natives pay other ones: which is exactly the opposite of Montesquieu's idea.<sup>50</sup>

But since it is unjust and unreasonable to tax people who have nothing, property taxes are always better than personal ones. Only it is necessary to avoid those the collection of which is difficult and costly, and above all those that are eluded by smuggling, that produce nothing, that fill the State with smugglers and brigands, and corrupt the fidelity of the Citizens. The taxation has to be so well proportioned that the difficulty of fraud surpasses its profit. Thus never a tax on what is easy to hide, such as lace and jewels; it would be better to forbid wearing them rather than to forbid importing them. In France they freely encourage the temptation of

smuggling, and that makes me believe that the Tax Office finds its advantage in having smugglers there. This system is abominable and contrary to all good sense. Experience teaches that the stamp tax is a singularly onerous tax on the poor, bothersome for commerce, increases chicanery to an extreme degree, and makes the people cry out everywhere it is established; I would not advise considering it. That on livestock appears to me much better, provided that one avoids fraud, for every possible fraud is always a source of evils. But it can be onerous to the taxpayers in that they have to pay in money, and the product of contributions of this sort is too subject to being turned aside from its destination.

In my opinion the best, the most natural tax, and one that is not at all subject to fraud is a proportionate tax on land, and on all land without exception as the Marshal de Vauban and the Abbé de St.-Pierre proposed; for in the end it is what produces that ought to pay. All possessions, royal, landed, ecclesiastic, and common ought to pay equally, that is to say proportionately to their extent and to their product, whoever the owner might be. This imposition would appear to require a preliminary operation which would be lengthy and costly, namely a general survey.<sup>51</sup> But that expense can be very well avoided, and even with advantage, by assaying the tax, not directly on the land, but on its product, which will be even more just; that is to say, by establishing a tithe in the proportion that would be judged suitable, which would be levied in kind on the harvest, like the ecclesiastical tithe, and in order to avoid perplexity of details and storehouses one would lease out these Tithes at auction as the priests do. So that private individuals would be held to paying the Tithe only on their harvest, and would pay it from their purse only if they preferred it that way, based on a tariff regulated by the government. Brought together, these leases could be an object of commerce from the sale of the commodities they would produce and which could go abroad by way of Danzig or Riga. This way one would also avoid all the expenses of detection and regulation, all those swarms of clerks and employees so odious to the people, so inconvenient to the public, and what is the greatest point, the republic<sup>52</sup> would have money without the citizens being obliged to give it: for I will never repeat enough that what makes the *taille* and all taxes onerous to the cultivator, is that they are pecuniary, and that he is first obliged to sell in order to be able to pay.

## [XII] Military System.

Of all the Republic's expenses the maintenance of the Crown's army is the most considerable, and certainly the services that this army renders

are not proportionate to what it costs. Nevertheless, someone will say right away, troops are necessary to guard the State. I would agree if these troops did in fact guard it: but I do not see that this army has ever safeguarded against any invasion, and I am very much afraid that it will not safeguard against them later on.

Poland is surrounded by belligerent powers who continuously have numerous perfectly disciplined standing troops, to which, even with the greatest efforts, it will never be able to oppose similar ones without exhausting itself in very little time, especially in the deplorable state in which the brigands who are devastating it are going to leave it. Moreover they would not let it act, and if, with the resources of the most vigorous administration, it wanted to put its army on a respectable footing, its attentive neighbors, intent on preventing it from doing so, would crush it very quickly before it could execute its plan. No, if it wants only to imitate them, it will never resist them.

The Polish nation is different in natural temperament, in government, in morals, in language, not only from its neighbors, but also from all the rest of Europe. I should like it to differ from them also in its military constitution, its tactics, its discipline, for it to be always itself and not someone else. Only then will it be everything it can be, and it will draw from its bosom all the resources it can have. The most inviolable law of nature is the law of the stronger. There is no legislation whatsoever, no constitution whatsoever that can exempt one from that law. To seek the means for safeguarding yourself from the invasions of a neighbor stronger than you are, is to seek after an illusion. It would be an even greater one to want to make conquests and to give yourself an offensive force; it is incompatible with the form of your government. Whoever wants to be free ought not to want to be a conqueror. The Romans were so out of necessity and, so to speak, in spite of themselves. War was a necessary remedy for the vice of their constitution. Always attacked and always victors, they were the sole disciplined people among barbarians, and became masters of the world by always defending themselves. Your position is so different that you will not even be able to defend yourself against anyone who might attack you. You will never have offensive force; for a long time you will not have a defensive one; but you will soon have, or to say it better, you already have the preservative force which, even if subjugated, will safeguard your government and your freedom in its sole and true sanctuary, which is the heart of the Poles.

Regular troops, the plague and depopulation of Europe, are good for only two ends: either to attack and conquer neighbors or to enchain and enslave Citizens. These two ends are equally alien to you: therefore

renounce the means by which they are attained. The State must not remain without defenders, I know it; but its true defenders are its members. Every citizen ought to be a soldier out of duty, none ought to be one by profession. Such was the military system of the Romans; today such is that of the Swiss; such ought to be that of every free State, and above all of Poland. In no condition to pay an army adequate for defense, it must find this army in its inhabitants at need. Only a good militia, a genuine well-drilled militia is capable of fulfilling this object. This militia will cost the Republic little, will always be ready to serve it, and will serve it well, because in the end one always defends one's own possessions better than someone else's.

Count Wielhorski proposes raising one Regiment per Palatinate, and always maintaining it at the ready. This presupposes that the Crown's army, or at least the infantry would be dismissed: because I believe that the maintenance of these thirty-three Regiments would overburden the republic too much if the crown's army had to be paid in addition. This change would have its utility, and appears to me easy to do, but it also could become onerous and abuses will be hard to prevent. I would not be in favor of scattering the soldiers to maintain order in towns and villages; that would be bad discipline for them. Soldiers, above all those who are such by profession, ought never to be abandoned alone to their own conduct, and ought even less to be charged with any oversight over the citizens. They ought always to march and reside as a body: always subordinated and watched over, they ought to be nothing but blind instruments in the hands of their officers. However small the inspection with which one charged them might be, it would result in violence, vexations, numberless abuses; the soldiers and the inhabitants would become each others' enemies: this is a misfortune attached to regular troops everywhere: these regiments, always continuing to exist, would take on their spirit, and this spirit is never favorable to freedom. The Roman republic was destroyed by its legions when the remoteness of its conquests forced them to have them always at the ready. Once again, the Poles ought not to cast their eyes around them in order to imitate even the good that is done there. Being relative to completely different constitutions, this good would be an evil in theirs. They ought to look solely for what is suitable for them and not for what others do.

Why not then establish in Poland, instead of regular troops—a hundred times more burdensome than useful to every people that does not have the spirit for conquests—a genuine militia exactly as it is established in Switzerland where every inhabitant is a soldier, but only when he must be? The serfdom established in Poland does not allow, I admit it, for one

to arm the peasants right away: arms in servile hands will always be more dangerous than useful to the State: but while waiting until the happy moment for enfranchising them has arrived, Poland swarms with towns, and their inhabitants put into regiments could furnish at need numerous troops whose maintenance would cost nothing to the State<sup>53</sup> aside from at these times. Since the majority of these inhabitants have no land at all, they pay their quota in service this way, and this service could easily be distributed in a manner that would not be at all burdensome to them, even if they were adequately drilled.

In Switzerland every private individual who gets married must be furnished with a uniform which becomes his festival clothes, with a rifle, and with the whole outfit of a foot soldier, and he is enrolled in his neighborhood's company. During the summer, on Sundays and festival days, these militiamen are drilled in accordance with their enrollment, first by small squadrons, then by companies, then by regiments, until when their turn has come and they gather in the countryside and successively set up small camps in which they are drilled in all the maneuvers that suit the infantry. As long as they do not leave their place of residence, they have no pay since they are turned away from their labors little or not at all, but as soon as they march in the field, they have soldier's rations and are paid by the State, and no one is allowed to send another man in his place so that each may be drilled and all perform service. In a State such as Poland enough can easily be drawn from its vast provinces to replace the Crown's army with an adequate number of militiamen always at the ready, who would change at least every year and be taken by small detachments for all the corps, which would hardly be burdensome to the private individuals whose turn would come hardly once every twelve to fifteen years. In this manner, the whole nation would be drilled, one would have a fine and numerous army always ready at need, which would cost much less, especially in peacetime, than the Crown's army costs today.

But in order to succeed completely in this operation, it would be necessary to begin by changing public opinion about a station that in fact will be entirely changed, and to make it so that in Poland a soldier will no longer be regarded as a bandit who sells himself for five sous a day in order to live, but as a Citizen who is serving the fatherland and who is doing his duty. It is necessary to return this station to the same honor it formerly held, and in which it still holds in Switzerland and in Geneva where the best Bourgeois are as proud in their corps and under arms as they are at the city hall and in the Sovereign Council. For this it is important, in the selection of officers, for one to have no regard to rank, to influence and to fortune, but solely to experience and to talent. Nothing

is easier than to make into a point of honor the good handling of arms upon which everyone drills himself with zeal for service of the fatherland in the sight of his family and his relations; a zeal which cannot catch fire in the same way among the mob enlisted by chance, and which feels only the trouble of drilling. I have seen the time when the Bourgeois at Geneva performed maneuvers much better than regular troops; but since the Magistrates found that this caused among the Bourgeoisie a military spirit that did not go along with their intentions, they have tried to stifle this emulation and have succeeded only too well.

In the execution of this project one could without any danger restore to the King the military authority naturally attached to his position; for it is not conceivable<sup>54</sup> that the Nation could be employed in oppressing itself, at least when all those who compose it have a share in freedom. It is only with regular and standing troops that the executive power can ever enslave the State. The great Roman armies were not misused as long as they changed with each Consul, and until Marius it did not enter the mind of any of the Consuls that they could draw any use from them for enslaving the Republic. It was only when the great remoteness of conquests forced the Romans to keep the same armies at the ready for a long time, to recruit them from disreputable characters, and to perpetuate command over them to the Proconsuls, that these began to feel their independence and to try to make use of them to establish their own power. The armies of Sulla, of Pompey and of Caesar became genuine regular troops, who substituted the spirit of military for that of republican government, and this is so true that Caesar's soldiers considered themselves very offended when, during mutual discontent, he called them Citizens, *Quirites*.<sup>55</sup> In the plan that I imagine and that I shall soon finish tracing out, all Poland will become warlike as much for the defense of its freedom against the undertakings of the Prince as against those of its neighbors, and I dare say that once this plan has been well executed one could suppress the commission of high General and rejoin it to the Crown without the slightest danger for freedom resulting from it, unless the Nation allows itself to be duped by plans for conquests, in which case I would no longer answer for anything.<sup>56</sup> Anyone who dares to deprive others of their freedom almost always ends by losing his own; that is true even for kings, and much more true for peoples.

Why would the equestrian order, in which the republic genuinely resides, not follow a plan similar to the one that I am proposing for the infantry? In all the Palatinates establish cavalry corps in which all the nobility would be enrolled, and which would have its officers, its Staff, its

standards, its quarters assigned in case of alarms, its times marked out for gathering together every year: let this brave nobility be drilled in squads, in making all sorts of movements, evolutions, in putting order and precision in its maneuvers, in acknowledging military subordination. I should not want it slavishly to imitate the tactics of other nations. I should want it to make one which would be its own, which would develop and perfect its natural and national dispositions, for it to be drilled above all in speed and nimbleness, in breaking apart, scattering, and coming back together without difficulty and without confusion; for it to excel<sup>57</sup> in what is called guerilla warfare, in all the maneuvers that suit light troops, in the art of flooding over a countryside like a torrent, of attacking everywhere and never being attacked, of always acting in concert even though separated, of cutting communications, of intercepting convoys, of charging rear-guards, of carrying off the vanguard, of surprising detachments, of harassing large corps that march and camp together; for it to adopt the manner of the ancient Parthians, like it in valor, and for it to learn like them to vanquish and destroy the best disciplined armies without ever giving battle and without leaving them a moment to breathe. In a word, have an infantry because it is necessary, but do not count on anything but your cavalry, and omit nothing to invent a system that puts the entire fortune of war in its hands.

The advice of having fortified places is a bad one for a free people; they do not suit the Polish genius at all, and everywhere they sooner or later become nests for tyrants. The places that you believe you are fortifying against the Russians, you will infallibly be fortifying for them, and they will become shackles for you from which you will never free yourselves. Pay no attention even to the advantages of fortified outposts, and do not ruin yourself with artillery: none of that is what you need. A sudden invasion is doubtless a great misfortune, but permanent chains are a much greater one. You will never succeed in making it difficult for your neighbors to enter your territory; but you can succeed in making it difficult for them to leave with impunity, and that is what you ought to put your efforts into. Antony and Crassus easily entered the territory of the Parthians, but for their misfortune. A country as vast as yours always offers its inhabitants refuges and great resources for escaping its attackers. All human art would not be able to prevent the sudden action of the strong against the weak; but it can provide ways to react, and, once experience teaches that departure from your territory is so difficult, people will be in less of a hurry to enter it. Thus leave your country wide open like Sparta; but like it build yourself good citadels in the hearts of the Citizens, and



just as Themistocles took Athens onto its fleet, carry your cities away on your horses as needed. The spirit of imitation produces few good things and never produces anything great. Each country has advantages which belong to it and which its foundation ought to extend and favor. Husband, cultivate those of Poland, it will have few other nations to envy.

A single thing is enough to make it impossible to subjugate; love of the fatherland and of freedom animated by the virtues that are inseparable from it. You have just given a forever memorable example of this. As long as this love burns in hearts it will perhaps not protect you against a temporary yoke; but sooner or later it will explode, shake off the yoke and set you free. Work then without relaxation, ceaselessly, to carry patriotism to the highest degree in all Polish hearts. Above I have indicated some of the means suited to this effect: it remains for me to develop here the one that I believe to be the strongest, the most powerful, and even infallible in its success, if it is well executed. That is to make it so that all Citizens feel themselves incessantly under the public's eyes, that no one advance and succeed except by public favor, that no position, no employment be filled except by the wish of the nation, and finally that everyone from the lowest noble, from even the lowest peasant up to the King if possible, depend so much on public esteem, that no one can do anything, acquire anything, succeed in anything without it. From the effervescence excited by this common emulation will be born that patriotic intoxication which alone can raise men up above themselves, and without which freedom is only a vain name and legislation only an illusion.

In the equestrian order this system is easy to establish, if one is careful to follow a gradual progression everywhere, and to admit no one to the honors and dignity of State who has not previously passed through the inferior grades, which will serve as entrance and test to arrive at a greater elevation. Since equality among the nobility is a fundamental law of Poland, the career of public affairs ought always to begin there by subordinate employments; this is the spirit of the constitution. They ought to be open to every Citizen whose zeal brings him to present himself and who believes he feels himself in a condition to fill them successfully: but they ought to be the first indispensable step for anyone, great or small, who wants to advance in this career. Each is free not to present himself; but as soon as someone enters, he must either—barring a voluntary retirement—advance or be rebuffed with disapproval. Seen and judged by his fellow citizens in all his behavior, he must know that all his steps are being followed, that all his actions are being weighed, and that a faithful account of good and evil is being kept whose influence will extend over all the rest of his life.

[XIII] Plan for Subjecting  
All the Members of the Government  
to a Graduated Progression.

Here is a plan for making that progression gradual which I have tried to adapt as well as possible to the form of the established government, reformed only with regard to the naming of Senators in the manner and for the reasons deduced above.

All active members of the Republic, I mean those who have a share in the administration, will be distributed into three classes marked by so many distinctive signs which those who make up these classes will wear on their persons. The orders of chivalry which formerly were proofs of virtue, are now merely signs of the Kings' favor. The ribbons and jewels that are their marks have an air of baubles and feminine adornment that must be avoided in our foundation. I would like the marks of the three orders that I am proposing to be plaques of various metals, the material value of which would be in inverse proportion to the grade of those who wear them.

The first step in public affairs will be preceded by a test for young people in the positions of Lawyers, Assessors, even judges in subordinate courts, managers of some portion of the public funds, and in general in all the inferior positions that give those who fill them the opportunity to show their merit, their capacity, their exactitude, and above all their integrity. This condition of trial ought to last at least three years, at the end of which, armed with certificates from their superiors, and with the testimony of the public voice, they will present themselves to the Dietine of their province, where, after a severe examination of their conduct, those who are judged worthy of it will be honored with a golden plaque carrying their name, that of their province, the date of their reception and beneath this inscription in larger characters: *Spes-Patriae*.<sup>58</sup> Those who have received this plaque will always wear it either attached to their right arm or over their heart; they will take on the title of *Servants of the State*, and from the equestrian order only the Servants of the State can be elected Deputies at the Diet, Deputies to Courts, Commissioners of the chamber of accounts, or charged with any public function that belongs to sovereignty.

To attain the second grade it will be necessary to have been a Deputy at the Diet three times and each time to have obtained a positive report from one's constituents at the Dietines, and no one will be able to be elected Deputy a second or third time unless he is provided with that document for his preceding term as deputy. Service at the Courts or of

Radom in the status of commissioner or Deputy will be the equivalent of a term as deputy, and it will suffice to have sat three times in any these assemblies but always with approval to attain the second grade by right. So that, based on the three certificates presented to the Diet, the Servant of the State who has obtained them will be honored with the second plaque and with the title of which it is the mark.

This plaque will be of silver of the same shape and size as the preceding one, it will bear the same inscriptions, except that in place of the two words, *Spes Patriae*, will be engraved these two, *Civis electus*. Those who wear these plaques will be called *Citizens elect* or simply *Elect*, and can no longer be simple Deputies, Deputies at the Courts, or Commissioners of the Chamber: but they will be so many candidates for the positions of Senators. No one will be able to enter the Senate unless he has passed through this second grade, unless he has worn its mark, and all the Deputy Senators who, in accordance with the plan, will be immediately drawn from them, will continue to wear it until they attain the third grade.

It is among those who have attained the second that I should like to choose the Principals of the schools and inspectors of the education of children. They might be obliged to fill this employment for a certain term before being admitted to the Senate, and would be required to present to the Diet the approval of the College of administrators of education: without forgetting that this approval, like all the others, ought always to be endorsed by the public voice, which there are a thousand ways of consulting.

The election of the Deputy Senators will be done in the chamber of Deputies at each ordinary Diet, so that they will remain in position for only two years; but they can be continued or re-elected two other times, provided that, each time in leaving position, they have first obtained from the same chamber a document of approval similar to the one that must be obtained from the Dietines in order to be elected deputy a second and third time: for without a similar document obtained at each period of administration one will no longer attain anything, and in order not to be excluded from the government one's only recourse will be to begin again from the inferior grades, which ought to be allowed in order not to deprive a zealous citizen, whatever fault he might have committed, of every hope of effacing it and of succeeding. Moreover, one ought never to charge any particular committee with expediting or refusing these certificates or approvals; these judgments must always be passed by the whole chamber, which will be done without any trouble or loss of time if one follows for the judgment of the Deputy Senators leaving their positions the same method of cards that I proposed for their election.

Perhaps it will be said here that all these documents of approval given at first by particular bodies, afterwards by the Dietines, and finally by the Diet will be less accorded to merit, to justice, and to truth than extorted by intrigue and influence. To that I have only one thing to answer. I believed I was speaking to a people who, without being exempt from vices, still had some resilience and virtues, and with that assumption, my plan is good. But if Poland has already reached the point where everything is venal and corrupt to the core, it is in vain that it is seeking to reform its laws and to preserve its freedom, it must renounce these things and bow its head to the yoke. But let us return.

Every Deputy Senator who has been one with approval three times will pass by right to the third grade, the highest in the State, and its mark will be conferred to him by the King upon the nomination of the Diet. This mark will be a plaque of blue steel similar to the preceding ones and will bear this inscription *Custos legum*.<sup>59</sup> Those who have received it will wear it for the rest of their lives however eminent the posts they obtain might be, and even on the throne if they happen to ascend to it.

The Palatins and grand Castellans will be drawn only from the body of the Guardians of the laws, in the same manner that the latter were from the Citizens-elect, that is to say, by the choice of the Diet, and since these Palatins occupy the most eminent positions in the republic and they occupy them for life, in order to keep their emulation from going to sleep in positions in which they no longer see anything but the Throne above them, access to it will be open to them, but in such a manner that they still will not be able to achieve it except by public vote and by dint of virtue.

Let us remark, before proceeding farther, that the career that I give for citizens to proceed through in order to reach the head of the Republic gradually, appears rather well proportioned to the stages of human life so that those who hold the reins of the Government, having passed the fire of youth, can nevertheless still be in the prime of life, and so that after fifteen or twenty years of continuous testing under the eyes of the public they will still have enough years left to make the fatherland enjoy their talents, their experience, and their virtues, and to enjoy themselves the respect and honors they will have so well deserved in the primary positions of the State. Assuming that a man begins to enter into affairs at twenty years of age, it is possible that he will already be a Palatin at thirty-five; but since it is very difficult and it is not even appropriate that this gradual progression be made so rapidly, one will hardly achieve this eminent position before one's forties, and in my opinion that is the most suitable age for bringing together all the qualities that one ought to look for in a statesman. Let us add here that this progression appears as suit-

able as possible to the needs of the government. Calculating probabilities, I estimate that every two years there will be at least fifty new citizens-elect and twenty guardians of the laws: more than sufficient numbers to recruit the two parts of the Senate to which these two grades respectively lead. For it is easy to see that although the first rank of the Senate might be more numerous, being for life, it will have places to fill less often than the second, which, in my plan, is renewed at each ordinary Diet.

It has already been seen and it will soon be seen again that I do not leave the supernumerary *elect* idle while waiting for them to enter the Senate as deputies; in order not to leave the Guardians of the laws idle either while waiting for them to return as Palatins or Castellans, it is from their body that I would draw the college of Administrators of education about which I have spoken above. The Primate or another Bishop could be given as President of this college, while it is decreed in addition that no other Ecclesiastic, even one who is a Bishop and Senator, could be admitted to it.

There, it seems to me, is a progression graduated well enough for the essential and intermediary part of the whole, namely the nobility and the magistrates; but we still lack the two extremes, namely the people and the King. Let us begin with the first, up until now counting for nothing, but which is important in the end to count for something if one wants to give a certain force, a certain consistency to Poland. Nothing is more delicate than the operation in question, for in the end, even though everyone feels what a great evil it is for the Republic that the nation be in some fashion restricted to the equestrian order, and that all the rest, Peasants and Bourgeois, be nothing both in the Government and in the legislation, such is the ancient Constitution. Right now it would be neither prudent nor possible to change it at one stroke; but it might be both to bring about this change by degrees, to make it so that the most numerous part of the nation be attached by affection to the Fatherland and even to the Government without any tangible revolution. This will come about by two means: the first, a precise observation of justice, so that the serf and the commoner, never having to fear being unjustly bothered by the noble, will be cured of the aversion that they must naturally have for him. This requires a great reform in the law courts and a particular care for the formation of the corps of lawyers.

The second means, without which the first is nothing, is to open a door to the serfs to acquire freedom and to the Bourgeois to acquire nobility. If the thing is not practicable in fact, it must at least be seen to be so as a possibility; but one can do more, it seems to me, and do so without running any risk. Here, for example, is a means that appears to me to lead in this manner to the proposed goal.

Every two years in the interval between one Diet and another, a suitable time and place would be chosen in each province at which the *Elect* of the same province who are not yet Deputy Senators would assemble under the presidency of a *Custos legum* who is not yet a Senator for life, in a censorial or beneficent Committee to which one would invite, not all the Priests, but only those who are judged most worthy of this honor: I even believe that this preference, forming a tacit judgment in the eyes of the people, might also throw some emulation among the Village Priests, and protect a great number of them from the vile morals to which they are only too subject.

This assembly, into which they could also call the elders and notables of all stations, would be occupied by the examination of the plans for establishments useful for the province; it would hear the reports of the Priests on the condition of their parishes and the neighboring parishes, of the notables on the condition of cultivation, on that of the families of their canton; they would carefully verify these reports; each member of the Committee would add his own observations to them, and they would keep a faithful record of all this from which succinct memoranda would be drawn up for the Dietines.

It would examine in detail the needs of overburdened families, of the infirm, of widows, of orphans, and they would provide for them proportionately from a fund formed by the free contributions of the well-off of the province. These contributions would be all the less onerous since they would become the only charitable contribution considering that in all of Poland neither beggars nor workhouses would be put up with. Without a doubt, the Priests will cry out very much for the preservation of the workhouses, and these cries are only one more reason for destroying them.

In this same committee, which would never be occupied with punishments or reprimands, but only with benefits, with praise and encouragement, based on good information they would make up precise lists of the private individuals of all stations whose conduct is worthy of honor and of recompense.\* These lists would be sent to the Senate and to the King in order to be considered as the occasion arises and always to place their selection and their preferences well, and it is upon the indications of the

\* In these estimations it is necessary to have much more regard to persons than to some isolated actions. True good is done with little glitter. It is by a uniform and sustained conduct, by private and domestic virtues, by all the duties of one's station well fulfilled, in sum by actions that flow from his character and principles that a man can deserve honors, rather than from some great theatrical strokes that already find their recompense in public admiration. Philosophic ostentation loves glittering actions very much: but someone with five or six actions of this sort, very brilliant, very noisy, and very much extolled has for his goal only to lead one astray on his account and to be unjust and harsh with impunity his whole life. *Give me great actions broken up into small change.* This witticism from a woman is a very judicious saying.

same assemblies that the Administrators of education would give the free places I have spoken about above.<sup>60</sup>

But the principal and most important occupation of this committee would be to draw up, based on faithful memoranda and on well-verified reports of the public voice, a roster of the Peasants who distinguish themselves by good conduct, good cultivation, good morals, by the care of their family, by all the duties of their station well fulfilled. This roster would afterwards be presented to the Dietine which would select from it a number fixed by law to be enfranchised, and which would provide by agreed-upon ways for the compensation of the Patrons by making them enjoy exemptions, prerogatives, in sum advantages proportionate to the number of their peasants who were been found worthy of freedom. For it would be absolutely necessary to act so that instead of being onerous to the master, the enfranchisement of the serfs would become honorable and advantageous to him. It is well understood that, in order to avoid abuses, these enfranchisements would not be made at all by the masters, but in the Dietines, by judgment and only up to the number fixed by law.

When a certain number of families in a canton have been successively enfranchised, entire villages could be enfranchised, communes could be formed there little by little, property, communal land could be assigned to them as in Switzerland, communal officers could be established there, and when things have been brought by degrees to the point that the operation could be completed on a large scale without perceptible revolution, they could be given back at last the right nature gave them to participate in the administration of their country by sending deputies to the Dietines.

When all this is done, all these peasants who had become free men and Citizens would be armed, they would be formed into regiments, they would be drilled, and one would end by having a truly excellent militia, more than adequate for the defense of the State.

A similar method could be followed for ennobling a certain number of Bourgeois, and, even without ennobling them, reserve for them certain brilliant positions which they alone would fill to the exclusion of the nobles, and that in imitation of the Venetians so jealous of their nobility, who nevertheless, aside from other subaltern employments, always give to a townsman the second position in the State, namely that of the high Chancellor, without any Patrician ever being able to lay claim to it. In this manner, opening to the Bourgeoisie the doorway to nobility and honors, one would attach it by affection to the fatherland and to the maintenance of the constitution. Without ennobling individuals, one could also ennoble certain cities collectively, preferring those in which commerce,



industry, and the arts flourish most, and where, consequently, the municipal administration was best. Like the imperial cities, these ennobled cities could send Deputies to the Diet, and their example would not fail to excite in all the others a lively desire to obtain the same honor.

The Censorial Committees charged with this department of beneficence, which, to the shame of Kings and of peoples, has never yet existed anywhere, would be, although without election, composed in the manner most suited to fulfilling their functions with zeal and integrity, considering that their members, aspirants to the Senatorial positions to which their respective grades lead, would be very attentive to deserve by public approval the votes of the Diet; and this would be a sufficient occupation to keep these aspirants on alert and in the public eye in the intervals that might separate their successive elections. Note that this would happen, nevertheless, without drawing them from the station of simple graduated Citizens during these intervals, since this sort of tribunal, so useful and so respectable, never having anything but good to do, would not be vested with any coercive power: thus I am not multiplying the magistracies at all here, but I am making use of the path forming the transition from one to another in order to turn to account those who are to fill them.

Based on this plan, graduated in its execution by a successive progression that one could speed up, slow down, or even stop in accordance with its good or bad success, one would advance only at will, guided by experience, one would kindle in all the inferior stations an ardent zeal to contribute to the public good, one would succeed in sum in enlivening all the parts of Poland, and in linking them so that they would no longer be anything but a single body whose vigor and force would be increased at least tenfold beyond what they can be today, and this with the inestimable advantage of avoiding every sharp and abrupt change and the danger of revolutions.

You have a fine opportunity to begin this operation in a dazzling and noble manner which ought to have the greatest effect. In the misfortunes that Poland just suffered, it is not possible that the confederates did not receive any assistance and marks of attachment from some bourgeois and even from some peasants. Imitate the magnanimity of the Romans, so careful after the great calamities of their republic, to heap with testimonies of their gratitude the foreigners, the subjects, the slaves, and even the animals who had rendered them some signal services during their misfortune. Oh what a fine beginning, to my taste, solemnly to grant nobility to these bourgeois and to enfranchise these peasants and to do so with all the pomp and all the display that can make this ceremony august, touching, and memorable! And do not stop at this beginning. These men,

distinguished this way, ought always to remain the fatherland's favorite children. They must be watched over, protected, helped, sustained, even if they are bad characters. At any price they must be made to prosper for their whole lives, so that, from that example put before the public's eyes, Poland shows all Europe what should be expected from it in its success by anyone who dared to assist it in its distress.

This is a rough idea and only by way of an example of the manner in which one can proceed so that everyone might see before him the open route for attaining everything, so that, while serving the fatherland well everyone might gradually tend to the most honorable ranks, and virtue might be capable of opening all the doors that fortune is pleased to close.

But not everything is done yet, and the part of this plan that remains for me to expose is without contradiction the most perplexing and the most difficult; it attempts to surmount obstacles against which the prudence and experience of the most consummate political thinkers<sup>61</sup> have always failed. Nevertheless, it seems to me that, assuming my plan to be adopted, with the very simple means that I have to propose, all the difficulties are removed, all the abuses are foreseen, and in execution what seemed to form a new obstacle is turned into an advantage.

#### [XIV] Election of the Kings.

All these difficulties come down to that of giving the State a leader whose selection does not cause disturbances and who does not attack freedom. What increases the same difficulty is that this leader ought to be endowed with the great qualities necessary for anyone who dares to govern free men. A hereditary Crown prevents disturbances, but it leads to servitude; election maintains freedom, but with each reign it shakes the state. This alternative is distressing, but, before I speak about the way to avoid it, allow me a moment of reflection on the manner in which the Poles ordinarily dispose of their Crown.

First, I ask, why is it necessary for them to give themselves foreign Kings? By what singular blindness have they thus taken on the most certain means of enslaving their nation, of abolishing their customs, of making themselves the plaything of other courts, and of gratuitously increasing the storm of interregnums? What an injustice toward themselves, what an affront given to their fatherland, as if, despairing of finding in its bosom a man worthy of commanding them, they were forced to go look for one far away. How did they not feel, how did they not see that it was exactly the opposite? Open the annals of your Nation, you will never see it illustrious and triumphant except under Polish Kings; you will almost

always see it oppressed and debased under the foreign ones. Let experience finally come to the support of reason; see what evils you are doing to yourselves, and what goods you are depriving yourselves of.

For, I ask again, how did the Polish Nation, having gone so far as to make its crown elective, not consider taking advantage of this law to cast among the members of the administration an emulation in zeal and glory, which by itself would have done more for the good of the fatherland than all the other laws put together? What a powerful spring over great and ambitious souls would be this crown, destined for the worthiest, and put in sight before the eyes of every citizen capable of deserving public esteem! What virtues, what noble efforts must not the hope of acquiring its highest prize excite in the nation, what leaven of patriotism in all hearts, if it was known that this is the only way to obtain this place which has become the secret object of the wishes of all private individuals, it depends on them alone to draw ever nearer to it by dint of merit and of services and, if fortune seconds them, to attain it completely in the end. Let us look for the best means for putting into play this great spring, so powerful in the Republic, and so neglected up to now. Someone will tell me that to remove the difficulties at issue it is not enough to give the Crown only to Poles: we shall see about that soon, after I have proposed my expedient. This expedient is simple; but at first it will appear to miss the goal I have just set myself, when I say that it consists in making a drawing of lots enter into the election of the Kings. I ask as a favor that I be allowed time to explain myself, or at least that I be reread attentively.

For if someone said; how can one make certain that a King chosen by lot has the qualities required for filling his position worthily, he is making an objection that I have already resolved; because for this effect it is enough that the King can be drawn only from the Senators for life; for since they themselves will have been drawn from the order of the *Guardians of the laws*, and they will have passed with honor through all the grades of the Republic, the test of their whole life and public approval in all the posts they have filled will be sufficient guarantees of the merit and the virtue of each of them.

Nevertheless, I do not mean that even among the Senators for life lottery alone decides the preference: this would be partially to miss the great goal one always ought to propose for oneself. Chance must do something and choice do a lot, in order, on the one hand, to subdue the intrigues and the maneuvers of foreign powers and, on the other, to engage all the Palatins by such a great self-interest that they will not relax at all in their conduct, but will continue to serve the fatherland with zeal in order to deserve the preference over their competitors.

I admit that the class of these competitors appears to me very numerous if one includes in it the great Castellans, by the present constitution almost equal in rank to the Palatins: but I do not see what inconvenience there would be in giving immediate access to the Throne to the Palatins alone. This would make a new grade in the same order which the great Castellans would still have to pass through in order to become Palatins, and consequently one additional means for keeping the Senate dependent on the legislator. It has already been seen that these great Castellans appeared to me superfluous in the Constitution. If, nevertheless, in order to avoid every great change, they are left their place and rank in the Senate, I approve it. But in the graduation that I propose, nothing requires that they be put on the level of the Palatins, and since nothing prevents it either, there is no inconvenience in deciding for the alternative one judges to be best. I assume here that this preferred alternative will be to open immediate access to the throne to the Palatins alone.

Immediately after the death of the King then, that is to say after the smallest interval possible and which will be fixed by law, the Diet of election will be solemnly convened; the names of all the Palatins will be put into competition and three will be drawn by lot with all precautions possible so that no fraud will corrupt this operation. These three names will be declared out loud to the assembly, which, in the same session and by the plurality of votes, will choose the one it prefers, and he will be proclaimed King the same day.

A great inconvenience will be found in this form of election, I admit it; it is that the nation cannot freely chose among the number of Palatins the one it honors and cherishes the most, and whom it judges most worthy of royalty. But this inconvenience is not new in Poland where it has been seen in several elections, and especially in the last one, that, without regard for those whom the Nation favors, it was forced to choose the one that it would have rebuffed: but for this advantage which it no longer had and which it is sacrificing, how many others more important does it gain by this form of election!

First, at one stroke, the drawing of lots subdues the factions and intrigues of foreign Nations which cannot influence this election, being too uncertain of success to put much effort into it, given that even fraud would be insufficient in favor of a subject whom the nation can always reject. This advantage alone is so great that it assures Poland's repose, stifles venality in the republic, and leaves election almost all the tranquillity of heredity.

The same advantage obtains against the intrigues of the candidates themselves. For who among them will want to put himself to expense to

assure himself of a preference that does not at all depend on men, and to sacrifice his fortune for an outcome that has so many chances against it for one favorable. Let us add that those whom the lottery has favored are no longer in time to buy the electors, since the election has to be done in the same session.

The free selection of the Nation among three candidates protects it from the inconvenience of the lottery in the assumption that it would fall upon an unworthy subject; for in that assumption, the Nation will be careful not to select him, and it is not possible that among thirty-three illustrious men, the elite of the Nation, where one does not even understand how there can be found a single unworthy character, all three of those whom chance favored might be unworthy.

Thus, and this observation is of great weight, by this form we unite all the advantages of election to those of heredity.

For, first, since the crown does not pass from father to son there will never be any continuity of system for the enslavement of the republic. In the second place, in this form the lottery itself is the instrument of an enlightened and voluntary election. In the respectable body of the Guardians of the laws and of the Palatins who are drawn from it, the lottery cannot make any selection whatsoever that had not already been made by the nation.

But look at what emulation this prospect must cast into the body of Palatins and grand Castellans who, in position for life, might relax from the certitude that they can no longer be removed from them. They can no longer be constrained by fear; but the hope of occupying a throne that each of them sees so close to him is a new goad that keeps them ceaselessly attentive over themselves. They know that the lottery would favor them in vain if they are rejected at the election and that the only means of being selected is to deserve it. This advantage is too great, too evident, for it to be necessary to insist upon it.

For a moment let us assume the worst, that fraud cannot be avoided in the operation of the lottery and that one of the competitors happened to deceive the vigilance of all the others who are so concerned with this operation. This fraud would be a misfortune for the excluded candidates; but the effect for the republic would be the same as if the outcome of the lottery had been faithful: for there would nevertheless be the advantage of election, the troubles of interregnums and the dangers of heredity would nevertheless be prevented; the candidate whose ambition would seduce him to the point of having recourse to this fraud, would nevertheless, moreover, be otherwise a man of merit, capable, in the judgment of the nation, of wearing the crown with honor, and finally, even after this

fraud, in order to take advantage of it he would not depend any less on the subsequent and formal selection of the Republic.

By this project, adopted in its entirety, everything is linked in the State, and no one from the lowest private individual up to the first Palatin sees any means for advancing except by the route of duty and public approval. The King alone, once elected, no longer seeing anything but the laws above him, has no other brake that restrains him, and since he no longer needs public approval, he can do without it without risk if his plans require it. For this I see only a single remedy which one must not even consider. This would be that the Crown be in some manner removable and that, at the end of definite periods, the Kings had to be confirmed. But, once again, this expedient cannot be proposed: keeping the throne and the State in a continuous agitation, it would never leave the administration in a solid enough position to be able to apply itself solely and usefully to the public good.

There was an ancient practice which has never been put into practice except among a single people, but it is surprising that its success has not tempted any other to imitate it. It is true that it is hardly suited to anything but an elective kingdom, although it was invented and practiced in an hereditary kingdom. I am speaking about the judgment of the Kings of Egypt after their death, and of the decree by which the royal tomb and honors were granted to them or refused, according to whether they had governed the State well or badly during their lives. The indifference of the moderns about all moral objects and about everything that can give resilience to souls will doubtless make them regard the idea of reestablishing this custom for the kings of Poland as a folly, and I would not like to attempt to have it adopted by the French, by philosophers, but I believe that it can be proposed to Poles. I even dare to put it forward that among them this establishment would have some great advantages which it is impossible to replace in any other manner, and not a single inconvenience. In the present object, one sees that it is not possible that the integrity of an inevitable judgment would not impose on the King—aside from a soul that is vile and insensible to the honor of its memory—and put a brake upon his passions, greater or lesser I admit, but always capable of restraining them up to a certain point; especially if one joined to it the interest of his children whose fate will be decided by the decree issued about the father's memory.

Thus, after the death of each King, I would like his body to be laid aside in a suitable place until judgment has been pronounced on his memory; the tribunal that must decide it and bestow his burial to be assembled as early as possible; his life and his reign to be examined severely

there; and after investigations into which every citizen would be allowed to accuse and defend him, for the well-informed trial to be followed by a decree issued with all possible solemnity.

In consequence of this decree, if it were favorable, the deceased King would be declared a good and just Prince, his name inscribed with honor in the list of the Kings of Poland, his body put with pomp into their tomb, the epithet of *glorious memory* added to his name in all public acts and speeches, a dower assigned to his widow, and his children, declared Princes royal, would be honored during their life with all the advantages attached to this title.

If, on the contrary, he were found guilty of injustice, of violence, of embezzlement, and above all of having made an attempt against public freedom, his memory would be condemned and stigmatized, his body, deprived of royal burial, would be buried without honors like that of a private individual, his name removed from the public record of kings; and his children, deprived of the title of Princes royal and of the prerogative that are attached to it, would return into the class of simple citizens without any distinction either honorable or stigmatized.

I would like this judgment to be made with the greatest display, but to precede, if possible, the election of his successor, so that the influence of the latter could not affect the sentence whose severity he would have an interest in softening. I know that it would be desirable to have more time to unveil hidden truths well, and inform the trial better. But I would be afraid that, if one delayed until after the election, this important act might soon become only a vain ceremony, and, as it infallibly would happen in a hereditary kingdom, more of a funeral oration for the dead King than a just and severe judgment about his conduct. It would be better in these circumstances to give more to public voice and lose some particular pieces of enlightenment in order to preserve the integrity and austerity of a judgment that would otherwise become useless.

With regard to the tribunal that would pronounce this sentence, I would like it to be neither the Senate, nor the Diet, nor any body vested with any authority in the government, but an entire order of Citizens, who could not be easily either fooled or corrupted. It appears to me that the *Cives electi*, better informed, more experienced than the *Servants of the State*, and less self-interested than the *Guardians of the Laws* already too close to the throne, would be precisely the intermediate body in which one would find the most enlightenment and integrity at the same time, the most suited to issue only reliable judgments, and hence preferable to the two others on this occasion. Even if it happened that this body was not numerous enough for a judgment of this importance, I would prefer



that it be given adjuncts drawn from the Servants of the State rather than from the Guardians of the laws. Finally I would not like this tribunal to be presided over by any man in office, but by a Marshal drawn from its body and whom it would elect itself like those of the Diets and the Confederations: so necessary would it be to prevent any private interest from having any influence over this act, which can become very august or very ridiculous, in accordance with the manner in which it proceeded.

In concluding this point about the election and judgment of the Kings, I must say here that one thing in your customs appeared very shocking to me and very contrary to the spirit of your constitution; that is to see it almost overturned and annihilated upon the death of the King to the point of suspending and closing all the law courts, as if this constitution depended so much on this Prince, that the death of the one was the destruction of the other. Oh my god! it ought to be exactly the opposite. The King being dead, everything ought to go on as if he were still alive; one ought hardly to notice that one piece of the machine is missing, so unessential to its solidity was this piece. Fortunately nothing depends upon this inconsistency. One only has to say that it will not exist any longer, and nothing else must be changed: but this strange contradiction must not be allowed to continue to exist: for if it already is a contradiction in the present constitution, it would be an even much greater one after the reform.

### [XV] Conclusion.

There is my plan sufficiently sketched out: I stop. Whichever is adopted, one should not forget what I have said in the *Social Contract* about the state of weakness and anarchy in which a nation finds itself while it is establishing or reforming its constitution.<sup>62</sup> In this moment of disorder and effervescence it is in no condition to give any resistance and the slightest shock is capable of overturning everything. Thus it is important at all cost to arrange for oneself an interval of tranquillity during which one can act upon oneself without risk and rejuvenate one's constitution. Although the changes to make in yours might not be fundamental and do not appear extremely large, they are sufficient to require this precaution, and a certain amount of time is necessary for the effect of the best reform to be felt and for it to take on the consistency that ought to be its fruit. One can consider the enterprise at issue only by assuming that the success will respond to the courage of the Confederates and the justice of their cause. You will never be free as long as a single Russian soldier remains in Poland, and you will always be menaced with ceasing to be free as long

as Russia meddles in your business. But if you succeed in forcing it to treat with you as one Power to another Power and no longer as protector and protected, then take advantage of the exhaustion into which the war with Turkey will have cast it to finish your work before it can disturb it. Although I do not attribute any importance to the safety one procures for oneself externally by treaties, this unique circumstance will perhaps force you to lean as much as possible on this support, if only to know the present disposition of those who are dealing with you. But aside from this case and, perhaps at other times some commercial treaties, do not wear yourself out with vain negotiations, do not ruin yourselves as Ambassadors and ministers in other courts, and do not regard alliances and treaties as anything at all. All this is useless with the Christian powers. They do not know any other bonds than those of their self-interest; when they find it in fulfilling their engagements they will fulfill them; when they find it in breaking them, they will break them; it would be just as worthwhile not to make any. Still, if this interest were always true, the knowledge of what it is appropriate for them to do could make one foresee what they will do. But it is almost never reason of State that guides them, it is the momentary interest of a Minister, of a mistress, of a favorite; it is the motive that no human wisdom has been able to foresee that determines them sometimes for, sometimes against their true interests. What can one be sure of with people who have no fixed system and who conduct themselves only by chance impulses? Nothing is more frivolous than the political science of Courts: since it has no sure principle, one cannot draw any certain conclusions from it; and all this fine doctrine of the interests of Princes is child's play which makes sensible men laugh.

Do not depend, then, with confidence either upon your allies or upon your neighbors. You have only one upon whom you can count a little. That is the Sultan of Turkey, and you ought not to spare anything to make him into a supporter: not that his maxims of State are much more reliable than those of the other powers. There everything equally depends upon a Vizier, upon a Favorite, upon a Seraglio intrigue: but the interest of the Porte is clear, simple, everything is at issue for it, and generally it reigns there with much less enlightenment and subtlety, more uprightness and good sense. With it, as contrasted with the Christian Powers, one has at least the additional advantage that it likes to fulfill its engagements, and ordinarily respects treaties. You should attempt to make one with it for twenty years, as strong, as clear as possible. As long as another power hides its plans, this treaty will be the best, perhaps the only guarantee that you can have, and in the condition in which the present war will in all likelihood leave Russia, I estimate that it can be enough for you to

undertake your work with safety; all the more so since the common interest of the powers of Europe and especially of your other neighbors, is to leave you always as a barrier between them and the Russians, and that by dint of changing follies, they must necessarily be wise at least sometimes.

One thing makes me believe that generally they will see you laboring upon the reform of your constitution without jealousy. That is that this work tends only to the strengthening of the legislation, consequently freedom, and that this freedom passes in all courts for a mania of visionaries, which tends more to weaken than to reinforce a State. This is why France has always favored the freedom of the Germanic body and of Holland, and today this is why Russia favors the current government of Sweden, and blocks the King's plans with all its force. All these great Ministers who, judging men in general based on themselves and those who surround them, believe they know them, are very far from imagining what resilience the love of the fatherland and the impulse of virtue can give to free souls. No matter how often they are the dupes of the low opinion they have of republics and find a resistance they did not expect there in all their undertakings, they will never reconsider a prejudice founded on the disdain of which they feel themselves to be worthy and based on which they appraise the human race. In spite of the rather striking experience that the Russians just had in Poland, nothing will make them change their opinion. They will always regard free men as they themselves must be regarded, that is to say as worthless men upon whom only two instruments have any grasp, namely money and the Knout. If they see, then, that the Republic of Poland, instead of applying itself to refilling its coffers, to swelling its finances, to raising many regular troops, is, on the contrary, considering dismissing its army and doing without money, they will believe that it is laboring to weaken itself, and persuaded that all they have to do in order to conquer it is to show up when they want to, they will let it regulate itself completely at its ease, while making fun of its labor among themselves. And one must agree that the state of freedom deprives a people of offensive force, and that by following the plan that I am proposing one ought to renounce every hope of conquest. But, in twenty years when your work is done, let the Russians attempt to invade you, and they will learn what soldiers these men of peace are for the defense of their households who do not know how to attack those of other peoples and who have forgotten the value of money.

Besides, when you are freed from these cruel guests, keep yourself from taking any half measures with regard to the King they wanted to give you. You must either have his head cut off as he deserves; or, without regard to his first election which is completely null and void, elect him

anew with other *Pacta conventa* by which you will make him renounce the naming of high positions. This second decision is not only more humane, but also wiser; I find in it even a certain generous pride which perhaps will mortify the Court of Petersburg as much as if you held another election. Poniatowski<sup>63</sup> was doubtless very criminal; perhaps today he is no longer anything but wretched; at least in the present situation, he appears to me to be conducting himself rather as he ought to do by not meddling in anything at all. Naturally at the bottom of his heart he must ardently desire the expulsion of his harsh masters. Perhaps there would be a patriotic heroism in uniting with the Confederates in order to drive them out; but one knows very well that Poniatowski is not a hero. Moreover, aside from the fact that he would not be allowed to act and he is constantly under surveillance, owing everything to Russia, I declare frankly that if I were in his place, I should not want to be capable of that heroism for anything in the world.

I know very well that this is not the King you need when your reform is completed; but perhaps it is the one you need in order to make it tranquilly. If he lives for only eight or ten years, since your machine will have begun to go by then, and several Palatinates will already be filled by *Guardians of the laws*, you will not have to be afraid of giving him a successor who resembles him: but for myself I am afraid that by simply removing him from office you will not know what to do with him and you might expose yourself to new troubles.

Nevertheless, from whatever perplexity his free election might be able to free you, you should consider it only after you are completely sure of his genuine dispositions, and on the assumption that he still has some good sense, some sense of honor, some love for his country, some knowledge of his true interests, and some desire to follow them: for at all times and above all in the sad situation in which Poland's misfortunes is going to leave it, there would be nothing more fatal for it than to have a traitor at the head of the Government.

As to the manner of broaching the work in question, I have no taste for all the subtleties that are being proposed to you for taking by surprise and in some manner tricking the Nation about the changes that are to be made in its laws. I would only be of the opinion that in showing the full extent of your plan, you not begin its execution abruptly by filling the republic with malcontents, that you leave in office the majority of those who are there, confer employments in accordance with the new reform only as they become vacant. Never shake the machine too abruptly. I have no doubt at all that a good plan once adopted will change the mind even of those who have a share in the Government under a different plan.

Since it is impossible to create new citizens at a stroke it is necessary to begin by making use of the ones who exist and to offer a new path for their ambition is the means for giving them the disposition to follow it.

But if, in spite of the courage and the constancy of the Confederates and in spite of the justice of their cause, fortune and all the powers abandon them and give the fatherland over to its oppressors. . . . But I do not have the honor of being a Pole; and, in a situation similar to the one in which you are, one is allowed to give advice only by means of his example.

I have just fulfilled, and God grant that this be with as much success as ardor, in accordance with the extent of my forces, the task that Count Wielhorski has imposed on me. Perhaps all this is only a heap of chimeras, but they are my ideas; it is not my fault if they resemble those of other men so little, and it was not up to me to organize my head in a different fashion. I even admit that however peculiar one might find them, I myself see nothing in them except what is well adapted to the human heart, what is good, what is practicable, especially in Poland, having applied myself in my views to follow the spirit of that Republic, and to propose as few changes in it as I could in order to correct its defects. It seems to me that a Government set up on similar springs ought to proceed to its true goal as directly, as surely, for as long as possible, not being unaware, in addition, that all the works of men are as imperfect, transitory, and perishable as they are.

I have omitted on purpose many very important items about which I did not feel myself to have sufficient enlightenment to judge them well. I leave this care to men more enlightened and wiser than I am; and I put an end to this long hodgepodge by making my excuses to Count Wielhorski for having occupied him with it for so long. Although I think differently than other men do, I do not flatter myself with being wiser than they are, nor that he will find in my reveries anything that can be really useful to his fatherland; but my wishes for its prosperity are too true, too pure, too disinterested for my zeal to be increased by pride at having contributed to it. May it be able to triumph over its enemies, become and remain peaceful, happy, and free, give a great example to the universe, and, taking advantage of the patriotic labors of Count Wielhorski, to find and form in her bosom many Citizens who resemble him!

CONSIDERATIONS ON THE GOVERNMENT  
OF POLAND

1. One of the manuscripts reads, “virtues and vices.”
2. One of the manuscripts reads, “and even a little those that border it.”
3. One of the manuscripts reads “some reflections.”
4. One of the manuscripts reads “continuously,” and then substituted “mutually.”
5. One of the manuscripts reads, “a thinking man.”
6. One of the manuscripts reads, “preserved it.”

7. One of the manuscripts reads, “institutions idle and frivolous.”
8. On Moses, see the political fragments, *Collected Writings*, IV, 33–35.
9. One of the manuscripts adds, in pencil, “in the midst of his wars.”
10. Note reads, “see the last chapter of the *Social Contract*.” See *Collected Writings*, IV, 216–224. This is, in fact, the penultimate chapter, followed by another of a single paragraph entitled, “Conclusion.”
11. One of the manuscripts reads, “acclamations of the people.”
12. Rousseau tells the same story in the *Second Discourse*. See *Collected Writings*, III, 57.
13. In one manuscript Rousseau added Italians to the list at this point.
14. One of the manuscripts reads, “patriotism and all the virtues that are inseparable from it to the highest degree of intensity they can have.”
15. Confederations were assemblies of Polish nobleman that organized themselves in the midst of crises. Such a confederation met at the city of Bar in 1768 in favor of greater independence from Russia. One of the members of this confederation was Count Wielhorski who contacted Rousseau for advice about reform of the Polish government. The tradition of forming confederations is one of the features of Polish political life that was frequently criticized, but defended by Rousseau. See 205–206 below.
16. Rousseau is referring to Peter the Great who attempted to modernize Russia by making it more like western European countries like France.
17. *Patrie*, which we usually translate as “fatherland,” is feminine in gender and, therefore, it is not uncommon to refer to it as a mother. We have translated it as “homeland” here to avoid confusion.
18. Where the fatherland is, there is the good. The statement, “Patria est ubicumque est bene” (The fatherland is wherever the good is) is from Cicero’s *Tusculan Disputations*, V, 37.
19. One of the manuscripts reads, “The captive Kings were burdened with gold and precious stones, but they were chained: there is luxury well understood.”
20. Reading “forme,” instead of “force” as in Pléiade, III, 966. “Forme” occurs in all prior editions. In this we follow Gourevitch, *The Social Contract and Other Later Political Writings*, 313.
21. This is a play on words, since *licence* can mean either excessive freedom or an advanced degree.
22. One of the manuscripts read, “directed by foreign Priests.”
23. Rousseau wrote and rejected two other titles for this chapter, “The State is too big. Remedy” and “Principal vice, remedy to be sought.”
24. Rousseau originally gave this chapter the title “Sovereignty, where does it reside.”
25. Rousseau originally entitled this chapter “On the Maintenance of the Constitution.”
26. The *pacta conventa* was the set of laws that the king swore to uphold at his coronation.
27. See *Collected Writings*, IV, 186–188.
28. See 91–99 above.



29. The *liberum veto* gave every deputy the right to veto legislation in the Diet. In effect, it meant that every law had to be passed unanimously.

30. See *Collected Writings*, IV, 189–191.

31. One of the manuscripts reads, “All that is deduced very clearly from principles established in the *Social Contract*.” See *Collected Writings*, IV, 145–150.

32. The commissioners of Radom were Senators charged with overseeing state finances.

33. John Wilkes (1727–1797) was a controversial pamphleteer who was elected to the House of Commons a number of times and excluded by the House. In the *Letters Written from the Mountain* Rousseau makes a parallel between Wilkes and himself. See *Collected Writings*, IX, 289.

34. A Grod is essentially an electoral district.

35. The following paragraph is in one of the manuscripts, but not in the one sent to Count Wielhorski. It is also not in early editions. Pléiade includes it as a variant (Pléiade, III, 1769).

36. See *Collected Writings*, IV, 203–211.

37. One of the manuscripts adds, “where such great lords are.”

38. One of the manuscripts reads, “This function which they neglect and they disdain.”

39. One of the manuscripts reads, “If the King judged in person, he should doubtless have a Council, but I estimate that he would have the right to judge alone.”

40. One of the manuscripts reads, “and to make the political machine proceed in accordance with its genuine destination.”

41. Rousseau first wrote, “Authority of the Laws,” and then changed this to “Particular causes of anarchy and remedies.” He then struck out “and remedies.”

42. One of the manuscripts reads, “The principal vice of the Polish constitution is that the legislation.”

43. This Diet opened in October 1767 and was suspended in March 1768. The first law involved that statement that Poland was made up of three orders, the king, the Senate, and the equestrian order. Rousseau “corrects” this above, p. 184. The fifth required unanimity in the election of the king and excluded heredity. The ninth affirmed the unity of Poland as constituted at the time (including Lithuania). The eleventh guaranteed the equality of the members of the community having political prerogatives.

44. One of the manuscripts reads, “Far from abolishing them, regulate their form and effect in order to give them a legal sanction as much as is possible, without impeding either their formation or their activity. Once can fix the cases in which the Confederation can legitimately take place; there are even some by the mere occurrence of which, Poland ought to be immediately confederated.”

45. Rousseau originally called this chapter “Details of Administration.”

46. Following the early editions in reading *celles* rather than *celle* as in Pléiade, III, 1002. Gourevitch has noted this error in *The Social Contract and Other Later Political Writings*, 315.

47. Pyrrhus (after whom the term Pyrrhic victory is named) defeated the Romans in the third century B.C. with heavy losses to his forces.

48. The starosties were lands belonging to the king.
49. In Geneva, the bourgeois or townsman were the class of foreigners who had been granted citizenship or children of citizens born abroad. They had most of the political rights of citizens. See *Collected Writings*, X, 242.
50. Montesquieu discusses this in *Spirit of the Laws*, XIII, xiv.
51. Rousseau had worked on such a survey in Savoy. See *Collected Writings*, V, 146.
52. One of the manuscripts reads, “State,” rather than “republic.”
53. One of the manuscripts reads, “republic,” rather than “State.”
54. We follow the early editions in reading “concevable” instead of “convenable” as is found in *Pléiade*, III, 1016. Gourevitch notes this error in *The Social Contract and Other Later Political Writings*, 316.
55. See Tacitus, *Annals*, I, 42.
56. The following sentence is not in all the manuscripts, but occurs in most editions.
57. The early editions read “*excellât*,” rather than “*s’exercât*” as in *Pléiade*, III, 1017. Gourevitch notes this error in *The Social Contract and Other Later Political Writings*, 316.
58. Hope of the Fatherland.
59. Guardian of the law.
60. See 180 above.
61. Following our normal practice we have translated *politiques* as “political thinkers,” but it should be noted that the meaning can range from politicians to political theorists.
62. See *Collected Writings*, IV, 161–162.
63. The king, Stanislas-August Poniatowski (1732–1795), was dependent on the Russians and opposed by the Confederation of Bar.